

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Th22b

ADDENDUM

[Click here to go to original staff report](#)

DATE: February 10, 2015
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th22b, Application No. 4-13-001 (MRCA & SMMC), Thurs., February 12, 2015

The purpose of this addendum is to: (1) correct an inadvertent error in the project description; (2) correct a factual error regarding unpermitted development; (3) replace Exhibit 5 of the staff report with a corrected Exhibit 5; (4) include Special Condition Eleven (11); (5) attach and respond to a letter in opposition; and (6) attach three *Ex Parte* Notices.

Note: ~~Strikethrough~~ indicates text to be deleted from the January 29, 2015 staff report and underline indicates text to be added to the staff report.

1.) The following changes shall be made to the project description on the cover page of the January 29, 2015 staff report (in addition, all other references to the project description in the report are revised accordingly):

Construction of a ~~5,786~~831 ft. long portion of the Coastal Slope Trail with 140 linear feet of associated stacked rock retaining walls ranging from 2 ft. to 4 ft. in height, a 45 ft. long by 7 ft. wide clear-span pedestrian and equestrian bridge across Ramirez Creek, three picnic tables, a single-stall self-contained accessible restroom with 46 linear feet of associated retaining walls ranging from 2 ft. to 85 ft. in height, new wildlife permeable fencing, two accessible campsites with one single stall self-contained accessible restroom, and ~~2,178~~1,647 cu. yds. of grading (~~1,781~~1,417 cu. yds. of cut and ~~397~~230 cu. yds. of fill). The project also includes: 1) two special programs a week for disabled or special needs persons and/or for seniors and 2) training programs for employees of the Santa Monica Mountains Conservancy and/or MRCA, with a maximum of two events per month. The accessible campsites would be closed annually between September 15 through January 15, to avoid the high-fire season.

2.) The following changes to Section "IV. Findings and Declarations, H. Unpermitted Development," found on page 52 of the January 29, 2015 staff report, to reflect a minor correction:

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes: 1) unpermitted wastewater treatment system,

2) leach fields, 3) terraced orchard, and 4) retaining walls within Ramirez Creek all of which were constructed without the required coastal development permit after the effective date of the Coastal Act. With the exception of the wastewater treatment system and leachfields, all unpermitted development was constructed by the previous property owner. The above listed unpermitted development on the subject property is not currently being addressed in this subject application. The Commission's Enforcement Division will consider appropriate enforcement options to resolve the remaining issues with unpermitted development remaining after the Commission's action on this item.

3.) Exhibit 5 of the staff report contains the incorrect exhibit and shall be replaced with the attached corrected Exhibit 5.

4.) The following special condition shall be added to page 17 of the staff report:

11. Indemnification by Applicant

Liability for Costs and Attorney's Fees: By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

5.) In the attached letter dated February 6, 2015, Ramirez Canyon Preservation Fund stated their concerns and issues regarding the subject project.

The Ramirez Canyon Preservation Fund correspondence asserts that since the Commission has certified the County of Los Angeles Santa Monica Mountains Local Coastal Program, the Commission no longer has jurisdiction over Coastal Development Permit (CDP) Application No. 4-13-001 and; therefore, the application for a CDP for the proposed development must be processed by the County of Los Angeles. In response, staff notes that this issue has already been addressed in detail in the January 29, 2015 staff report beginning on page 19. In this case, this application was deemed completed and filed prior to the date of effective certification of the County's LCP. Commission staff, in keeping with a long-standing interpretation of Public Resources Code Section 30519, does not agree that the Commission no longer has jurisdiction over this coastal development permit application because a reasonable interpretation of the statute allows for a transition period whereby the Commission, with the applicant's consent, retains jurisdiction over applications deemed complete by the date of effective certification.

In addition, the Ramirez Canyon Preservation Fund correspondence also asserts that the applicant has "segmented" its project by filing a separate coastal development permit application with the City of Malibu for additional and similar development and uses on the Ramirez Canyon Park parcels located within the City of Malibu, in addition to its coastal development permit

application with the Commission for development located within areas of the park located within unincorporated Los Angeles County and; therefore, the environmental impacts of the project as a whole cannot be analyzed together. In response, Commission staff notes that the subject coastal development permit application includes relatively minor development that will not result in any significant traffic or cumulative coastal resource impacts. Furthermore, the minor, less-than-significant impacts associated with the proposed development, in addition to the potential impacts from development currently proposed in the coastal development permit application within the City of Malibu, have been previously analyzed as a whole in the Conservancy and MRCA Final Environmental Impact Report (FEIR) for the Malibu Park's Public Access Enhancement Plan – Public Works Plan (PWP) http://www.mrca.ca.gov/FINAL_EIR.html. Specifically, Section 5.0 “Environmental Impact Analysis” of Volume I of the FEIR analyzed potential impacts from development proposed within Ramirez Canyon Park.

The Ramirez Canyon Preservation Fund correspondence further states that the applicants should be required to address the unpermitted development located on the project site as part of the subject application. In response, Commission staff notes that the proposed development in the subject application is not integrally related to the unpermitted development listed on page 52 of the January 29, 2015 staff report. The Commission's Enforcement Division will consider appropriate enforcement options to resolve the remaining issues with the unpermitted development remaining after the Commission's action on this item. Additionally, in response to the Ramirez Canyon Preservation Fund's statement that the proposed restrooms will tie into the unpermitted wastewater system, staff would like to clarify that the proposed project includes single-stall self-contained accessible restrooms which do not require leachfields and will not be tied into the unpermitted wastewater treatment facility, or any wastewater treatment facility.

The Ramirez Canyon Preservation Fund correspondence also asserts that the applicants have no right to use Ramirez Canyon Road to access the property that is subject to this CDP because the parcel is not “benefitted by the Hope Ann Goodrich easement”. In response, Commission staff notes that the CDP application is not the appropriate forum for resolution of any issues regarding the alleged overburdening of easements. Commission staff views this issue as a private matter between the owners of the affected parcels.

Lastly, the Ramirez Canyon Preservation Fund correspondence asserts that camping is not a “resource dependent” use of Environmentally Sensitive Habitat Areas designed as H1 and H2 habitat pursuant to the certified Los Angeles County LCP. Staff notes that this issue is already addressed in detail in the staff report and that the allowed uses within Sensitive Environmental Resource Areas (SERA) are addressed in Section E “Sensitive Environmental Resource Areas” of the Commission's findings in the staff report beginning on page 29. Consistent with the provisions of the certified LCP, the project's proposed low-impact campgrounds are considered a resource-dependent use because they are specifically designed to expose the public to the resource while avoiding significant disruption of habitat values.

6.) Attached to this addendum are three *Ex Parte* Notices communications received from Commissioner's Mitchell, Cox and Groom.

**MAP 2:
BIOLOGICAL RESOURCES (WES)**

SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM

LEGEND

MAJOR ROAD

HIGHWAY

STREAMS AND WETLANDS (FROM
NATIONAL WETLANDS INVENTORY)

SENSITIVE ENVIRONMENTAL RESOURCE AREA

H1 HABITAT

H2 HABITAT

H2 HABITAT - HIGH SCRUTINY SUB-AREA

OTHER ENVIRONMENTAL RESOURCE

H1 HABITAT 100-FOOT BUFFER

H3 HABITAT

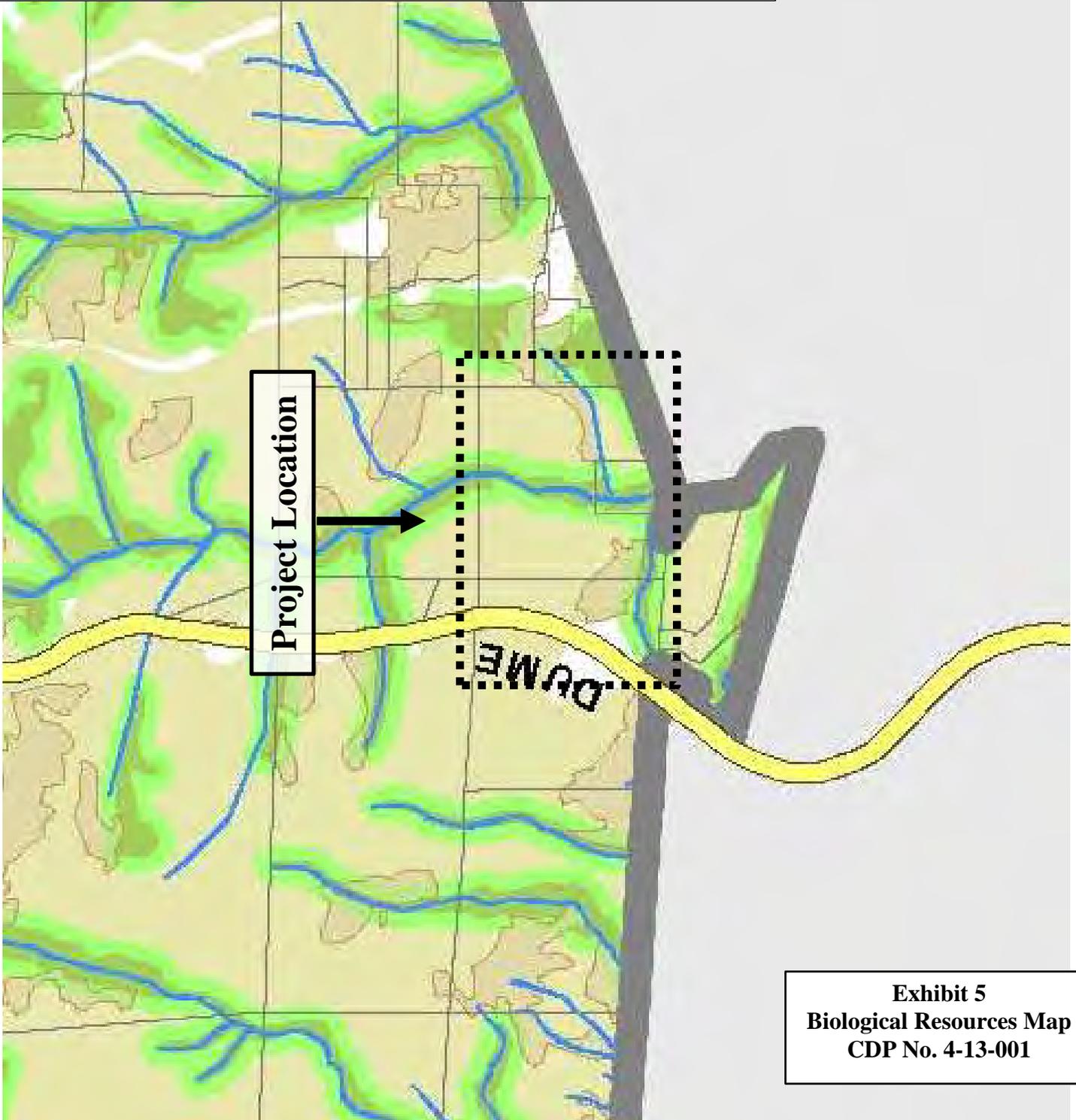
PARCEL BOUNDARY

RURAL VILLAGE (SHOWN FOR CONTEXT
ONLY)

SANTA MONICA MOUNTAINS COASTAL
ZONE BOUNDARY *

SANTA MONICA MOUNTAINS NORTH AREA
(UNINCORPORATED)

INCORPORATED CITY



Project Location

**Exhibit 5
Biological Resources Map
CDP No. 4-13-001**

Received
FEB 06 2015

California Coastal Commission
South Central Coast District

Ramirez Canyon Preservation Fund
5969 Ramirez Canyon road
Malibu, CA 90265

February 6, 2015

Delivered by email to
Charles.Lester@coastal.ca.gov and
DVenegas@coastal.ca.gov
with a request for
Distribution to the Commissioners

Honorable Steve Kinsey, Chair,
Honorable Jana Zimmer, Vice-Chair,
and Honorable Commissioners
California Coastal Commission

Re: **Application No. 4-13-001**
Set for Hearing February 12, 2015 – Item. Th22b
Co-Applicants: Santa Monica Mountains Conservancy
and Mountains Recreation and Conservation Authority

Dear Chair Kinsey, Vice-Chair Zimmer, and Commissioners:

The Ramirez Canyon Preservation Fund is comprised of the residents and owners of property in Ramirez Canyon. We write to respectfully request that you transfer this application to the County of Los Angeles (“County”), which has exclusive jurisdiction now that the Santa Monica Mountains (“SMM”) LCP has been certified. In the alternative, *before* the Commission acts on the application, the Commission should require the applicant to obtain “Approval in Concept” from the County. Conceptual or preliminary approval is required both by the Coastal Act by SMM LIP 22.44.910, subd. (F).

The jurisdictional issue is paramount because acts of the Commission in excess of its jurisdiction are void. (*BMW of North America, Inc. v. New Motor Vehicle Bd.* (1984) 162 Cal.App.3d 980, 994.) “The Coastal Act emphasizes local control after the Coastal Commission has certified a local coastal program: . . .” (*City of Malibu v. California Coastal Com.* (2012) 206 Cal.App.4th 549, 563.) That is why the Act transfers “development review authority” to the local jurisdiction once an LCP is certified, and leaves appellate jurisdiction with the Commission. There is no statutory or regulatory exception for applications which might have been received by the Commission prior to LCP certification, and there is no cause to restructure the Act for this or any other applicant.

If you disagree with us on the jurisdictional issue, we respectfully request that you either (a) continue the hearing of this segmented project application until the City of Malibu (“City”) has a chance to review a similar application for a larger portion of the same project or (b) at the

very least, continue the hearing to require the applicant to include a request for a permit for the long-standing unpermitted development and to allow staff to develop sufficient information about potentially significant impacts and to develop mitigation measures for those impacts.

This application seeks approval of certain land uses on a relatively small 3.9 acre portion of a 22 acre parcel for which the applicant is also seeking approval from the City of Malibu. Even under the Commission's "functional equivalent" of CEQA review, the "entire project" and all of the impacts of the entire project must be considered together. There is no information whatsoever in the application or the staff report concerning the applicant's submission to the City. Therefore, we respectfully submit that respect for local control requires that the Commission take no action on this segment of the applicant's project until the City of Malibu has a chance to review, and as necessary mitigate, the impacts of the larger portion of the project.

If the Commission decides to process this application despite all of these issues, we respectfully request that the Commission continue the hearing for two reasons: *This applicant has already received one "pass" from the Commission on its extensive unpermitted development.* We doubt that the Commission would twice excuse any private applicant from compliance with the Coastal Act, and we respectfully submit that public agencies should set a higher standard. Moreover, a continuance would allow the Commission to analyze and address the impacts that would be created by this segment of the project. Currently, there is no acknowledgment, let alone mitigation, of potentially significant traffic, grading, and noise impacts. The County's SMM LCP includes numerous measures by which to deal with impacts such as grading, a significant issue in this application, none of which are reflected in the Staff Report.

A. The Applicant has Segmented its Project. The Applicant has Filed an Application for CDP With the City of Malibu for More Intensive and Similar Development on the Other Ramirez Canyon Parcels.

The process of dividing a larger overall project into smaller components whose impacts individually appear harmless but cumulatively could be considerable is known as piecemealing or segmentation and is legally impermissible. Public agencies are "not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole." (*Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 611.) This is because "[t]he requirements of CEQA, cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial." (*Ibid*, internal quotations omitted.) Instead, the impacts of the entire project must be analyzed together. *The application pending before you involves only a small part of the applicant's "entire project."*

1. The Relationship Between the 3.9 Acre Upper Parcel, Ramirez Canyon "Park," and Ramirez Canyon, Ramirez Canyon Road, and the Residents of Ramirez Canyon.

To facilitate your consideration of the issues discussed below, we provide this additional explanation of the situation on the ground.

What staff and the applicant refer to as “Ramirez Canyon Park” is a 22+ acre parcel which straddles the City/County line. Most of the “park” is in the City; only the 3.9 acre upper parcel is in the County. There is no direct vehicular access to the upper 3.9 acre parcel. The only access to SMMC’s upper parcel is through SMMC’s lower parcels (within the City), and the only access to those lower parcels is via Ramirez Canyon Road (via Winding Way and Delaplaine from Pacific Coast Highway) (also within the City).

The staff report states that access is via Ramirez Canyon Road, but it fails to address the issues presented by the nature of the Road. Ramirez Canyon Road is private, rural, winding, and narrow – as narrow as 10-12 feet in some places. The Road is approximately one mile long and dead-ends at the applicant’s properties. The Road is located entirely within designated riparian ESHA. On its way up the Canyon, it meanders through and across Ramirez Canyon Creek, a blue line stream, via bridges and Arizona crossings. The Road floods during heavy rains. There are residences all along the Road and more than 60 residences use the road for residential access.

2. The Application to the City of Malibu.

In addition to the application now pending before you, the applicant has filed an application with the City of Malibu for the following development on its lower parcels:

- a. Park administrative offices for up to 15 employees;
- b. A residential caretaker and his family;
- c. Two special programs a week by the Conservancy and/or MRCA to provide public access and recreational opportunities for disabled or special needs persons and/or for seniors, provided:
 - (i) The activities do not generate noise audible beyond the property line in excess of the noise limits set forth in the Malibu Municipal Code;
 - (ii) Transportation is provided by vans and/or mini-coaches, with a 20-passenger capacity (or smaller), not including the driver; and
 - (iii) There is a maximum of 40 attendees per event, plus staff;
- d. Training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and a maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park; and
- e. Ongoing property maintenance, upgrades that do not increase the intensity of use or as may be required by regulatory agencies, and repairs.

We alerted the Commission to this application in our November 14, 2014 letter, but the staff report does not address it. We also attached a copy of the Project Description for the applicant’s proposed development in the City. For some reason, that description is not attached to the copy of our November letter which was included in the packet with the staff report. For your information, the City Project Description is attached to this letter as Exhibit A.

Every part of this "entire" development will impact Ramirez Canyon, Ramirez Canyon Road and the residents of the Canyon. The construction traffic required for grading of 2000 cubic yards (Staff Report, p. 1), and removal of 1300 of those cubic yards of dirt in heavy trucks making at least 130 round trips will be overwhelming in the context of the narrow, winding, Ramirez Canyon Road. The cumulative impact of the additional traffic from both the entire project (particularly the additional and duplicative uses (see next section)) will have a significant impact on the Canyon residents. The noise associated with events attended by dozens of people, including fire training with up to 40 people per event will be a substantial burden on the rustic quietude which currently exists in Ramirez Canyon. The entire area is designated "Very High Fire Hazard Severity Zone," and those hazards will significantly increase because of the people newly brought to the area- raising risks both to themselves and to the residents in the surrounding canyon. Yet, there is *no discussion of these impacts whatsoever*, either from the development before you, or cumulatively from the "entire" project.

Therefore, even if you disagree with us on the question of jurisdiction, we urge you to respect the City of Malibu's review process by waiting to consider the application before you until after the City of Malibu has considered the much larger segment of this same project.

3. Items (c) and (d) in the Application to the City are Very Similar to the "Additional Proposed Uses" in the Application Pending Before the Commission.

Please compare Items (c) and (d) from the applicant's Project Description to the City (see previous section) with the Staff Report's description of the following "Additional Proposed Uses" in the application before you:

"Additional Proposed Uses: The project includes the following additional uses within Ramirez Canyon Park: 1) two special program a week to provide public access and recreational opportunities for disabled or special needs person[sic] or seniors, provided that transportation is provided by vans and/or mini-coaches with a 20-passenger capacity (or smaller) and there is a maximum of 40 attendees per event, plus staff; and 2) training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and a maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park." (Staff Report., p. 19.)

There is no difference between these proposed uses and the uses proposed in the applicant's application to the City. Please also note that the "exception" for training programs does not appear to be limited in number or frequency.

We have examined the application and the staff report, and cannot ascertain the locale for these "additional proposed uses." In some places, there are statements that these uses will occur "in Ramirez Canyon Park," which is defined as the 22+ acre parcel. However, there are also statements that these uses will be held in the "unincorporated" area of the Park. As you know, the Commission cannot approve development outside its jurisdiction. (Cf. *Sierra Club v. California Coastal Commission* (2005) 35 Cal.4th 839, 854.) Therefore, the "additional uses" proposed by the applicant cannot be approved without limiting them to the upper 3.9 acre "park" parcel. That presents significant issues because the 3.9 acre parcel does not enjoy the benefit of the easement in which Ramirez Canyon Road is located (see discussion below).

4. Under the Circumstances, the Applicant is Not Entitled to the Benefit of Permit Streamlining.

The first page of the staff report indicates that this project is being heard on February 12 under the Permit Streamlining provisions of the Coastal Act (PSA). We respectfully submit that the applicant is not entitled to the benefit of those provisions. The purpose of permit streamlining provisions would be undermined by allowing an applicant to segment a project and not even inform the Commission of the fact that there is another part of the applicant's "entire" project pending before another jurisdiction. (See, e.g., *Bickel v. City of Piedmont* (1997) 16 Cal.4th 1040 (an applicant can waive the PSA by its conduct).) In addition, because the applicant did not provide information essential to the analysis of environmental impacts (see discussion below), the PSA deadline should not run until either the Commission or the County -- and the City of Malibu -- have conducted the appropriate environmental review. (See, e.g., *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428.)

B. The Applicant Should Not be Given Another "Pass" on the Unpermitted Development.

There is extensive unpermitted development on the property, including but not limited to, the following:

"1) unpermitted wastewater treatment system, 2) leach fields, 3) terraced orchard, and 4) retaining walls within Ramirez Canyon Creek all of which were constructed without the required coastal development permit after the effective date of the Coastal Act." (Staff Report, p. 52).

In the early versions of its project descriptions, the applicant included a request for Commission approval to cure this unpermitted development. However, in July of 2014, the applicant deleted that element from the project description. Staff is recommending that the Commission approve the proposed project and leave it to the Commission's "enforcement" arm to address the unpermitted development. We respectfully submit that leaving these issues to "enforcement" is neither fair nor workable, for the following reasons:

First, this would be the second time this applicant "got a pass" on unpermitted development. When SMMC applied to the Commission for a CDP in 2000, then-Commissioner Sara Wan made SMMC's Executive Director promise *on the record* that SMMC would submit an application to remedy the previous owners' unpermitted development. Fourteen (14) years later, the applicant has still not obtained that permit.

Second, the wastewater system has been unpermitted since 2002, when the CDP issued by the Commission was declared void by the court. The restrooms which are proposed as part of the project before the Commission tie into that unpermitted system. Therefore, it is impossible to separate the unpermitted development from the project before the Commission.

Third, the proposed development will render it impossible to ever address at least one of the unpermitted improvements (i.e., the retaining wall in the creekbed) because removal of that wall was considered as an "alternative" to the proposed development and expressly rejected. In addition, in the process of significantly excavating the mountains on both sides of the creek for the trail connections, the applicant will forever change the nature of the drainage course in the

Canyon. That will not only condone the previous unpermitted development, it will render it impossible to remedy the previous unpermitted grading along the banks of the creek and the streambed alterations.

Fourth, SMMC developed and operated this property unlawfully and without permits from 1993 to 2000 and then again from 2002 until the present (i.e., after the 2000 CDP issued by the Commission was voided by the court). Whenever we asked the Commission to “enforce,” the Commission informed us that it did not have sufficient staff to do so. We respectfully submit that public agencies such as the applicants should set the standard for rectifying unpermitted development. When they do not, the Commission should not condone or ratify unlawful behavior, but instead should take every opportunity to require correction. The Commission has the opportunity to do so now – by requiring that the unpermitted development be addressed as part of the application before you.

C. The Department of Fish and Wildlife Must be Involved in the Review Process to Both Remedy the Unpermitted Development in the Streambed and to Comment on the Proposed Development (Bridge) Within the Riparian Buffer.

Some of the unpermitted development involves streambed alteration and the placing of materials within the bed and banks. The proposed development includes a span bridge which will be constructed within the 100 foot riparian buffer. These matters fall within the jurisdiction of the Department of Fish and Wildlife. (Fish & G. Code sec. 1603.) Under the circumstances, we respectfully request that the Commission consult with the Department of Fish and Wildlife before taking any action on the application (cf. 14 Cal. Code Regs., sec. 15063(g)). At the very least, the applicant should be required to obtain the required permits from the Department as a condition of project approval.

D. Incomplete Analysis and Deferred Mitigation

We understand that the Commission does not conduct formal CEQA review. However, the Commission is required to conduct the “functional equivalent” of CEQA review. So far as applicable here, that requires that significant impacts be identified and analyzed (Pub. Res. Code, sec. 21082.2 subd. (a)), and that all measures designed to mitigate those impacts be formulated during the review process so their efficacy can be analyzed (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-670). Deferred mitigation violates CEQA. (*Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; 14 Cal. Code Regs., sec. 15126.4(a)(1)(B).) “[T]here cannot be meaningful scrutiny [of environmental impacts] when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884.) There are several instances where the staff report fails to even identify, much less analyze, the obvious environmental impacts of this segmented project. There are several instances more where the question of mitigation of impacts has been improperly deferred.

1. Grading, Cut, Fill, Haul, and Sensitive Vegetation.

Staff has characterized the trail improvements as “minor.” That characterization is difficult to understand, in light of the extent of the soil and sensitive vegetation removal required for these improvements.

So far as pertinent here, the project proposes (a) 5,786 feet of trail improvements with 140 linear feet of associated stacked rock retaining walls ranging from 2 ft. to 4 ft. in height, (b) a single-stall self-contained restroom with 46 linear feet of associated retaining walls ranging from 2 ft. to 8 ft. in height, and a 45 ft. long by 7 ft. wide clear span pedestrian and equestrian bridge across Ramirez Creek. The trail connections will be constructed on steep slopes heavily vegetated with sensitive plant species, and the bridge will be constructed entirely within riparian ESHA.

The applicant proposes 2,178 cu. yds. of grading (1,781 cu. yds. of cut and 397 cu. yds. of fill). However, there is no indication that the previous unpermitted grading has been included in those numbers, and the chart on page 4 of the Applicant's analysis of "Unpermitted Structural Improvements" indicates that as much as 1.174 acres may have been previously graded without permits. SMM LCP sec. 22.44.1260, subd. K, requires that any unpermitted grading "shall . . . be counted cumulatively" in the grading amount and analyzed for consistency with the policies and provisions of the LCP.

The staff report also states in several places that the cut will be "stockpiled" during construction. There is no analysis of the manner in which that might possibly be accomplished without destroying even more sensitive vegetation. The chart on page 6 of the applicant's Biological Resources Report indicates that 1.25 acres of sensitive vegetation communities will be impacted by the trail and utility lines/infrastructure improvements, but there is no indication that the acreage includes the impact of "stockpiling" on the surrounding sensitive vegetation communities during construction. Will the cut, which is already removing sensitive vegetation, be "piled" on top of other sensitive vegetation before it is removed? If so, what is the impact to the "piled upon" vegetation, and what are the required mitigation measures to reduce that impact?

There is also no discussion in the staff report of the manner in which the cut will be removed. The project description in the application suggested that the cut would be "carted" up the steep slope to Kanan Dune hill and driven out of the County for dumping. It is doubtful that the quantity of soil and vegetation to be removed could be "carted" up a trail which is under construction. However, even assuming that it could be, assuming that a rear-dump truck (with a capacity of 10 cubic yards) would be used rather than a bottom-dump truck (with a capacity of 14 cubic yards), movement of 1300 cubic yards of soil (1700 cubic yards of cut less 400 cubic yards of fill) would require 130 heavy truck trips to remove cut dirt. In addition to the significant traffic impacts this could cause, air quality impacts of the truck traffic for dirt export could be significant. (See *Brentwood Association for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 499.)

Moreover, there has been no compliance with SMM LIP sec. 22.44.1260, subd. (E), which provides: "An approved haul route shall be required for the off-site transport of 1,000 cubic yards or more of cut or fill material, or any combination thereof. . . . 3. The applicant shall submit a map showing in sufficient detail the location of the site from which such material is proposed to be removed, the proposed route over streets and highways, and the location to which such material is to be imported." No haul route maps are provided to demonstrate the location from where the cut will come, how the cut might be removed from the site, or which areas are

likely to be most heavily affected by the truck traffic. Instead, the staff report would simply require the applicant to present evidence to the Executive Director about the disposal *site only* (i.e., after the Commission approves the project and with no opportunity for public review and/or comment).

Rather than identify and address these impacts, the staff report defers them all. For example, the Commission does not have before it, and the public will not be allowed to review and comment upon, the Habitat Mitigation and Restoration Plan (which we presume will deal with the vegetation upon which dirt has been “stockpiled), or the Erosion Control Plan (i.e., for the grading, construction, staging areas and “stockpile” areas), or the Construction Best Management Practices plan (i.e., for ensuring that demolition and construction materials do not enter sensitive habitat). Neither will the Commission review, nor the public be allowed to review and comment upon, the “Permanent Drainage and Polluted Runoff Control Plan,” or the “Interim Erosion Control Plans” or the “Removal of Excavated Materials” plan. These plans constitute essential mitigation measures for the proposed improvements, all of which have the potential for significant impacts on Canyon drainage and Ramirez Canyon Creek – all the way from the 3.9 acre parcel down the Canyon past the residences and to the ocean. The time to analyze those impacts and any planned mitigation is before – not after – project approval.

2. Mitigation of Fire Hazards.

The staff report repeatedly acknowledges the fire hazard in Ramirez Canyon. The entire area is designated a Very High Fire Hazard Severity Zone by Cal. Fire. Yet, it does not appear that any Fuel Modification or Brush Clearance plan has been submitted as required by SMM LIP 22.44.840, sub. (G). We also could not locate any evidence or discussion of water available for fire protection, as required by LIP 22.44.840, sub. (L). Although the Commission has required the applicant to indemnify the Commission, there is no requirement that the applicant indemnify the residents of Ramirez Canyon in the event of a fire. Therefore, it is essential that the Commission review, and the public have the opportunity to comment upon, these essential mitigation measures.

E. The Applicant Has Not Complied with SMM LIP (Showing of Lawful Access)

SMM LIP 22.44.840, subdivision (D) requires the applicant to provide a legal description of the property and subdivision (N) requires the applicant to demonstrate lawful access to the property from a public street. We have examined the application and the materials posted for the hearing and could not find this required information.

As noted above, the 3.9 acre upper parcel can be accessed only through the lower parcels, which can be accessed only via Ramirez Canyon Road. Ramirez Canyon Road was constructed within an easement commonly referred to as the “Hope Ann Goodrich” easement. The easement was created by Marblehead Land Company when it divided and sold away the parcels in the Ramirez Tract.

We have attached a map of Marblehead Ramirez Tract (Exh. B) and a “Supplemental Map” (Exh. C) adding detail within the uppermost part of the large tract depicted on Exhibit B. That detail shows later divisions of land which created some of the other parcels ultimately

acquired by the applicant. We have also attached a copy of the "Subject Parcel" map from the staff report (Exh. D). On Exhibit D, the 3.9 acre parcel is the small parcel inside the larger parcel (which is owned by NPS). If you superimpose the "Subject Parcels" (Exh. D) on Exhibits B and C, the lower edge of the Subject Parcels (i.e., which is not a straight line) would meet the upper edge of the Marblehead Tract as shown on Exhibits B and C (which is also not a straight line). These maps establish that the 3.9 acre parcel was not part of the Ramirez tract.

The title history of the 3.9 acre parcel confirms that the parcel is not benefitted by the Hope Ann Goodrich easement (i.e., Ramirez Canyon Road), and that the applicant has no right to use Ramirez Canyon Road for access to the parcel.

There have only been four owners of the 3.9 acre parcel (and the larger parcel of which it was once a part): the United States of America, Jon Peters, Barbara Streisand, and the applicant. When the United States granted to Peters the parcel from which the 3.9 acre parcel ultimately derived (Exh. E, attached), no easement came with the grant. The deed from Peters to Streisand (Exh. F, attached) indicates that Peters acquired an easement during his ownership, but it was not the Hope Ann Goodrich easement (compare Parcel 1A of Exh. F with Parcel 3 on Exh. G, the legal description of the Hope Ann Goodrich/Ramirez Canyon Road easement). The easement deeded by Peters to Streisand with the 3.09 acre parcel appears to be an easement we have seen in other historic title searches in the Canyon, i.e., an old road from Kanan Dume down into the upper Ramirez Canyon parcels that were not part of Marblehead's Ramirez tract.

When Streisand deeded the 3.9 acre parcel to the applicant, she included several other parcels in Ramirez Canyon (which are now the applicant's "lower parcels"). In that deed (Exh. H), she listed in bulk all of the parcels and two easements. Neither of those easements appears to be the easement she acquired from Peters. One of those easements is the Hope Ann Goodrich easement that Streisand had acquired *with her lower parcels* within the Ramirez tract (Cf. Parcel 7 on Exh. H with Parcel 3 on Exh. G).

Streisand's deed to the applicant did not give the applicant the lawful right to use the Hope Ann Goodrich easement because a grantor can only lawfully convey to the grantee the property rights that the grantor possesses. (*Stanley v. Shierry* (1958) 158 Cal.App.2d 373, 376; *Claudino v. Pereira* (2008) 165 Cal.App.4th 1282, 1289; *Colorado Pac. Land Co. v. Clinton E. Worden Co.* (1933) 132 Cal.App. 720, 723.) When Ms. Streisand acquired the upper 3.9 acre parcel, she did not acquire the right to use the Hope Ann Goodrich easement for access to that parcel because Peters did not have that right. Therefore, Ms. Streisand could not, by her deed to the applicant, give the applicant any right to use the easement for access to the upper parcel either.

For all these reasons, without proof from the applicant that it has a lawful access route from the upper 3.9 acre parcel to a public road, the application cannot be deemed complete under SMM LIP 22.44.840, sub. (N), and cannot be approved.

F. Camping is Not a "Resource Dependent" Use of ESHA

The Staff Report repeatedly refers to the proposed project as a "resource dependent development," (e.g., Staff Report, p. 2) and thus allowable within Environmentally Sensitive Habitat Areas (ESHA) designated as H1 and H2 areas. However, campgrounds are not a

resource dependent use. Not only is it possible for campgrounds to exist in areas that are not ESHA, it is necessary to destroy ESHA in order to grade and construct the required improvements on, under and through the ESHA. The Coastal Act (Pub. Res. Code, sec. 30240) prohibits the approval of uses that are not resource dependent in environmentally sensitive habitat areas. This issue of campgrounds not being a resource dependent use is the sole subject of the lawsuit the Fund was required to file against the Commission in connection with the Commission's approval of the SMM LCP. That action is currently pending in Los Angeles Superior Court as case number BS 149044. A copy of the petition is attached as Exhibit I.

G. Only the County of Los Angeles, After Consultation with the City of Malibu with Respect to the "Entire Project," Has Jurisdiction to Approve this Part of the Project.

We raised the jurisdictional argument in our November 14, 2014 letter (attached to the staff report, without its attachments) because acts in excess of the power specifically conferred to the Commission are void. (*BMW of North America, Inc. v. New Motor Vehicle Bd., supra* (1984) 162 Cal.App.3d 980, 994.)

At the outset, it is important to emphasize that transferring this application to the County of Los Angeles for consideration would not require the applicant to "start over completely," as staff suggests (Staff Report, p. 29), nor would it prejudice the applicant in any way. This application was not deemed complete until August of 2014. The SMM LCP was certified less than 2 months later, in October. A simple transfer of the application to the County would allow the County to review it and, if the County deemed the application complete under the SMM LCP, to set it for hearing after consultation with the City of Malibu concerning the impacts of the applicant's "entire project."

We respectfully call your attention to the manner in which the issue has been addressed in the staff report, which purports to cite a provision of the SMM LCP, but does so in a very inaccurate manner (Staff Report., pp. 19-20). As background for your review of the discussion in the staff report, we first set forth the governing statutes and guidelines:

Three statutes expressly transfer jurisdiction from the Commission to the local agency after an LCP is certified. There is no exception for applications which may have been received by the Commission prior to that certification, and it is not reasonable to "interpret" the statutes and guidelines to create that exception because "development review authority" transfers to the local agency. "Development review authority" is the authority that the Commission would be exercising if the Commission were to approve the project.

Public Resources Code section 30519 provides, in pertinent part:

"Delegation of development review authority; recommendation of amendments to program. (a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the

local government that is implementing the local coastal program or any portion thereof. . . .” (Emphasis added.)

Public Resources Code section 30600 provides, in pertinent part:

“Coastal development permit; procedures prior to certification of local coastal program; application of section. . . .(d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.” (Emphasis added.)

And finally, Public Resources Code section 30600.5 provides, in pertinent part:

“Delegation of authority for issuance of coastal development permits to local governments; exceptions; application, review and appeal procedures; minimum standards; adoption of ordinance. . . .(c) Notwithstanding any other provision of this division, after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by the respective local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan.” (Emphasis added.)

Sections 30519 and 30600.5 confirm that, after LCP certification, the only jurisdiction retained by the Commission is jurisdiction over appeals.

California case law confirms what the statutes expressly state: “After an LCP is certified by the Coastal Commission, development review authority is ‘delegated to the local government that is implementing the local coastal program...’ (Pub. Resources Code,] § 30519, subd. (a)).” (*North Pacifica LLC v. California Coastal Com’n* (2008) 166 Cal.App.4th 1416, 1429.) “Administrative action that is not authorized by, or is inconsistent with, acts of the Legislature is void.” (*Schneider v. California Coastal Com.* (2006) 140 Cal.App.4th 1339, 1348 (citations omitted).)

The Commission’s regulations mirror the statutes set forth above. (See, e.g., 14 Cal. Code Regs., sec. 13545 (certification of a LCP results in “delegation to the local government of a coastal development permit authority over those developments specified in Public Resources Code Section 30519”); see also, *Id.*, sec. 13545.5 (same effect re certification of LUP).)

There is only one regulation that discusses the Commission’s retention of an application after an LCP has been certified (14 Cal. Code Regs., sec. 13546). However, section 13546 applies only to “permit applications that have received local government approval and have not been voted upon by the Commission.” The staff report suggests that this regulation should be read to give the Commission jurisdiction over the issuance of this permit because, according to the staff report, the applicant did not need local government approval (Staff Report, p. 20). The argument is not correct. However, even if it were, it would not bring this case within the plain language of the exception.

More troubling is the purported “quote” from the SMM LCP section in the staff report, which discusses transfer of jurisdiction after LCP certification. According to the staff report, SMM LCP 22.44.910(F) states:

“Any proposed development within the certified area which a complete application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review. . . . Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the County through an application pursuant to the requirements of the LCP.” (Staff Report, pp. 19-20.)

In fact, section 22.44.910(F) is expressly consistent with Regulation section 13546 (discussed above). *The language omitted by staff is highlighted in the following excerpt from 22.44.910(F):*

“Any proposed development within the certified area which the County preliminarily approved (i.e., an ‘Approval in Concept’) before the effective date of the LCP and for which a complete application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review. . . . Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the County through an application pursuant to the requirements of the LCP.” (SMM LCP 22.44.910(F), emphasis added.)

Therefore, the SMM LCP does not support any “exception” for this application.

We confirmed with a principal planner at the County that this project did not receive any kind of preliminary approval from the County. He checked all three APN numbers (4465-004-904; 4465-004-304; 4465-003-923) and found no record of any review or even a request for review from SMMC or Coastal Commission staff.

Two previous decisions of the Commission involving this property have been set aside by the courts (i.e., the 2000 CDP and the 2009 Malibu LCP “Override”). It would be a waste of even more resources to have yet another approval set aside, particularly because the solution is so simple. The application and all of the materials should be transferred to the County.

H. Conclusion

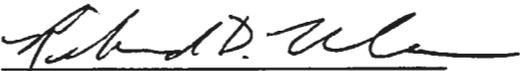
As some of you may be aware, we have been fighting *since 1993* for the simple right to have *the proper agency/agencies* consider all of the impacts on us and on Ramirez Canyon of *the entire development* proposed by SMMC on its Ramirez Parcel. Now, twenty years later, after several judicial opinions in our favor, we are still being deprived of that right. Therefore, for all the reasons set forth herein, we respectfully request that the Commission transfer this application to the County of Los Angeles, or, at the very least, require the applicant to obtain “Approval in Concept” from the County as required by the Coastal Act and by SMM LIP 22.44.910, subd. (F) *before* you act on the application. If you disagree with us about the jurisdictional issue, we respectfully request that you either (a) continue the hearing of this segmented project application until the City of Malibu has a chance to review a similar application for a larger portion of the same project or (b) at the very least, continue the hearing until the applicant includes a request to

permit the unpermitted development and staff identifies and analyzes the significant impacts of the "entire project" and develops the required mitigation measures.

Thank you in advance for your time and consideration of our concerns.

Very truly yours,

Ramirez Canyon Preservation Fund

By: 
Richard D. Mullen, President

Cc: Mr. Richard Bruckner, Director of Planning County of Los Angeles,
Department of Regional Planning
Ms. Bonnie Blue, Interim Planning Director, City of Malibu,
Christi Hogin, Esq., City Attorney, City of Malibu

Exhibits:

- A. Project Description, City of Malibu
- B. Marblehead Ramirez Tract
- C. "Supplemental Map" – Detail Area
- D. "Subject Parcel" map from the Staff Report
- E. United States Grant to Peters
- F. Peters Grant to Streisand
- G. Streisand Grant to SMMC
- H. Legal Description of Ramirez Canyon Road (Hope Ann Goodrich easement)
- I. Confirmed copy of Petition/Complaint in L.A.S.Ct., Case No. BS 149042

PROJECT DESCRIPTION
Coastal Development Permit Application
Ramirez Canyon Park - Park Administrative Uses
In City of Malibu
**Santa Monica Mountains Conservancy/
Mountains Recreation and Conservation Authority**
June 10, 2014

RECEIVED
JUN 10 2014
PLANNING DEPT.

The Santa Monica Mountains Conservancy (Conservancy) and the Mountains Recreation and Conservation Authority (MRCA) propose various park administrative uses at Conservancy-owned Ramirez Canyon Park (Park) within the City of Malibu. The majority of the 21.8-acre Park is located within the City of Malibu. The approximately 3.9-acre northern portion located in unincorporated Los Angeles County is bounded by National Park Service (NPS) land on three sides. The Park within the City of Malibu is comprised of Assessor's Parcel Numbers 4467-002-902, 903, 904, 905, and 906. The Park is located at the northerly terminus of Ramirez Canyon Road and the addresses are: 5750, 5775, 5800, 5802, and 5810 Ramirez Canyon Road.

The proposed park administrative uses are summarized as follows (and described in more detail below):

- (a) Park administrative offices for up to 15 employees;
- (b) A residential caretaker and his family;
- (c) Two special programs a week by the Conservancy and/or MRCA to provide public access and recreational opportunities for disabled or special needs persons and/or for seniors, provided:
 - (i) The activities do not generate noise audible beyond the property line in excess of the noise limits set forth in the Malibu Municipal Code;
 - (ii) Transportation is provided by vans and/or mini-coaches, with a 20-passenger capacity (or smaller), not including the driver, and
 - (iii) There is a maximum of 40 attendees per event, plus staff;
- (d) Training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and a maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park; and
- (e) On-going property maintenance, upgrades that do not increase the intensity of use or as may be required by regulatory agencies, and repairs.

Brief Background on Ramirez Canyon Park Coastal Act Permitting History

The Conservancy, State of California, has owned the 21.8-acre Ramirez Canyon Park (Park) in the Coastal Zone portion of the Santa Monica Mountains National Recreation Area (SMMNRA) since 1993. The Park was donated at that time, and the majority of the existing improvements at the Park was present at the time of the donation. The majority of the Park is located within the City of Malibu. The northern 3.9-acre portion of the Park is located in unincorporated Los Angeles County and is bounded by NPS land on three sides.

The Conservancy applied to the California Coastal Commission for a coastal development permit (CDP), which was granted by the Coastal Commission (CDP No. 4-98-334) in 2000 for the entire Park (within City of Malibu and unincorporated Los Angeles County), and signed in 2001. That permit covered similar uses (park administrative offices, outreach programs, etc.) as those that are currently occurring and that are proposed to continue under the current permit application to the City of Malibu. In addition, that CDP authorized certain improvements (e.g., upgrade of onsite wastewater treatment system), which were subsequently implemented.

The Park has been the subject of lawsuits over the years. The CDP No. 4-98-334 was later challenged and overturned by legal action.

In 2010, the Conservancy and MRCA submitted to the Coastal Commission the Malibu Parks Public Access Enhancement Plan-Public Works Plan (PWP), which included uses and improvements at Ramirez Canyon Park and other parks. That PWP was initially approved by the Commission and later overturned by legal action.

The Conservancy has been operating under a preliminary injunction (March 2007), which constitutes the existing baseline. This is comprised of the following uses:

- (a) Park administrative offices for up to 15 employees;
- (b) A residential caretaker and his family;
- (c) Two special programs a week for disabled youth and/or for seniors;
- (d) Occasional employee training programs; and
- (e) On-going property maintenance.

Per the Conditional Settlement Agreement and Release (March 10, 2014), between the City of Malibu on one hand and the Conservancy and MRCA on the other, the Conservancy and MRCA are now applying to the City of Malibu for certain Park Administrative Uses. As described in the Settlement, the Conservancy and MRCA are also applying to the Coastal Commission for proposed uses and public access improvements at Ramirez Canyon Park within the unincorporated Los Angeles County portion.

Ramirez Canyon Park Setting (In City of Malibu)

The Conservancy, State of California, owns the 21.8-acre Ramirez Canyon Park (Park) in the Coastal Zone portion of the SMMNRA. Although the majority of the Park is located within the City of Malibu, the northern 3.9-acre portion of the Park is located in unincorporated Los Angeles County bounded by NPS land on three sides. The Park is bordered by undeveloped private residential land in its southern portion. Ramirez Creek courses through the Park. The Park contains five structures (all within the City of Malibu portion), once serving as residences. The five structures are the Barn, Peach, Barwood, caretaker's residence, and Art Deco.

Ramirez Canyon Park is located on Ramirez Canyon Road in the City of Malibu. Access to the Ramirez Canyon Park property is provided by gated vehicular access roads from Pacific Coast Highway via Ramirez Canyon Road or via West Winding Way and Delaplane Road, and then through a gated park entrance at the terminus of Ramirez Canyon Road.

The attached site plan shows the existing development at the Park in the City of Malibu. This existing development includes five structures, concrete driveways, brick pathways, lawns, landscaping, a tennis court, retaining walls, and other improvements. There are seven parking areas, containing 54 parking spaces. The majority of the existing improvements at the Park was present at the time of the donation of the property to the Conservancy in 1993. Because of the developed nature of the property, Ramirez Canyon Park contains a variety of facilities available to support the types of public programs and group events currently conducted onsite and it provides for essential MRCA and Conservancy park administrative support facilities.

The primary buildings (Barwood, Peach, Art Deco, and Barn) at Ramirez Canyon Park have all been used both as recreation facilities and as locations to manage recreation uses at the Park, as well as to conduct the larger administrative activities of the agencies. The Barwood building is approximately 3,872 square foot (sf) and serves as the Western Area Emergency Operations Center for the MRCA, with full computer and radio dispatch capabilities in the event of any emergency. The Peach House is a 4,931 sf building, the Art Deco building is a 5,223 sf structure, and the Barn is a 3,782 sf structure. In addition, the existing caretaker's residence is an approximately 1,350 sf single family residence occupied by a wildland fire-trained MRCA staff person charged with park maintenance/management, park security and other public safety duties.

The Barwood, Peach, and Barn are served by an existing onsite wastewater treatment system and recycled water reuse program, which was upgraded around 2001. The waste is collected in tanks, treated, and distributed at a leachfield/orchard, which is located in the unincorporated portion of the Park. Questa Engineering Corp. prepared a Ramirez Canyon Park Septic System Assessment (March 28, 2014) for these three buildings and found that the system was in excellent operating condition. The Art Deco and caretaker's residence each have their own septic system.

The Barwood, Peach, and Barn buildings are currently utilized as park administrative offices for an employee population not exceeding 15 persons. The Art Deco has on and off been used for park employee offices.

Staff at the Park work on the critical park functions associated with open space acquisitions, planning, research, fire protection (e.g., fuel modification planning), restoration (mitigation), maintenance, outreach planning, permitting, operations funding, and other management of conservation and recreation activities at Conservancy and MRCA fee simple holdings, trails, and other open space easements. This includes programs and projects at Ramirez Canyon Park, throughout Malibu, in the SMMNRA coastal area, as well as the greater Conservancy zone and region. These uses implement many policies of the City of Malibu Local Coastal Program (see below).

The Park also provides a variety of recreational and educational opportunities for persons of all ability levels. Staff at the Park operate and plan for public programs at Ramirez Canyon Park, including the Children's Educational Program and the Senior & Public Outreach Program. These programs provide public recreational and educational opportunities for visitors from throughout the region, including from the valley area of the Los Angeles Basin, inner Los Angeles City, and West Los Angeles. The Park possesses ideal characteristics and offers visitors access to a sycamore-lined coastal canyon with a stream, stunning natural resources, no traffic, abundant wildlife, lawns used for gatherings, gentle pathways, picnic areas, and other accessible facilities.

The existing educational and outreach programs described below have generally been limited to 40 persons per event/ program. Ramirez Canyon Park, with the beautiful and secure surroundings, provides outreach programs designed to bring the best of Malibu and the Santa Monica Mountains to populations with limited access to traditional park programs. The Children's Educational Program gives children and young adults with disabilities a high quality, interactive educational experience in a fun, safe environment.

The program centers around various animal activities that emphasize the reinforcement of high self-esteem, and improved communication and cooperation skills. The program also provides environmental instruction about the ecology of Ramirez Canyon Park and the Santa Monica Mountains. Some special education teachers have said that there are no comparable facilities or programs in the region for children with disabilities to explore the outdoors, due to the Park's relaxing, quiet, secluded, and natural setting. Also, the drive along the ocean to the Park can provide a rewarding experience for first-time visitors to the coast. Ramirez Canyon Park provides a retreat to visitors with accessible garden paths and picnic areas.

On occasion, the buildings and rest of the Park are also utilized for employee training programs, including fire and emergency response exercises. Volunteer docents also work at Ramirez Canyon Park, for example when helping with outreach programs.

Ramirez Canyon Park within the City of Malibu jurisdiction is zoned Public Open Space and is designated Public Open Space according to the City of Malibu Local Coastal Program Land Use Plan.

The Park within the City of Malibu is located along a proposed stretch of the regionally significant Coastal Slope Trail, as shown on the Draft Local Coastal Program Parkland and Trails System Map (adopted by the City Council April 25, 2011). The Coastal Slope Trail is a long-envisioned regional trail conceptualized to provide an ocean proximate view for approximately 40 miles of coastline, and to provide an alternate route to the California Coastal Trail during high tide. Once the trail is built, Ramirez Canyon Park would provide an irreplaceable segment of the Coastal Slope Trail connecting Kanan Dume Road to Escondido Canyon Park.

Ramirez Creek, which courses through the subject section of the Park, has been altered by retaining walls. There are native trees at the Park in the City of Malibu, such as sycamore and oaks, many of which overlap lawns, concrete, buildings, and other developed areas. Based on a site specific mapping of vegetation communities (see attached), much of the Park is not considered sensitive habitat, and is more appropriately considered developed/ disturbed.

Detailed Description of Proposed Park Administrative Uses (In City of Malibu)

The Conservancy and MRCA propose park administrative uses at the Conservancy-owned Ramirez Canyon Park, within the City of Malibu, as described further below.

- (a) Park administrative offices for up to 15 employees. Park administrative offices for up to 15 Conservancy and MRCA employees are located in the Barwood, Barn, and Peach existing buildings onsite. Under the proposed project, up to 15 employees would continue to use the park administrative offices in these three buildings, as well as potentially in the Art Deco. The attached site plan depicts the location of these buildings.

The primary buildings (Barwood, Peach, and Barn) at Ramirez Canyon Park have all been used both as recreation facilities and as locations to manage recreation uses at the Park, as well as to conduct the larger administrative activities of the agencies. The Barwood building serves as the Western Area Emergency Operations Center for the MRCA, with full computer and radio dispatch capabilities in the event of any emergency.

Staff at the Park work on the critical park functions associated with open space acquisitions, planning, research, fire protection (e.g., fuel modification planning), restoration (mitigation), maintenance, outreach planning, permitting, operations funding, and other management of conservation and recreation activities at Conservancy and MRCA fee simple holdings, trails, and other open space easements. This includes programs and projects at Ramirez Canyon Park, throughout Malibu, in the SMMNRA coastal area, as well as the greater Conservancy zone and region. These uses implement many policies of the City of Malibu Local Coastal Program (see below).

- (b) A residential caretaker and his family. The existing caretaker's residence is occupied by a wildland fire-trained MRCA staff person charged with park maintenance/management, park security, and other public safety duties. Under the proposed project, the caretaker and his family would continue to live at the existing residence. The attached site plan depicts the location of the caretaker's residence.
- (c) Two special programs a week by the Conservancy and/or MRCA to provide public access and recreational opportunities for disabled or special needs persons and/or for seniors. The proposed project provides for continued specialized park programs and use of existing facilities at Ramirez Canyon Park to facilitate unique access opportunities for visitors of varying abilities.

The attached site plan depicts the proposed use areas at the Park for the public outreach programs. This includes the Barwood, Peach, Barn, and Art Deco buildings. These programs would be limited to the developed areas of the Park.

The special programs would operate under the following terms:

- (i) The activities do not generate noise audible beyond the property line in excess of the noise limits set forth in the Malibu Municipal Code;
- (ii) Transportation is provided by vans and/or mini-coaches, with a 20-passenger capacity (or smaller), not including the driver; and
- (iii) There is a maximum of 40 attendees per event, plus staff.

The Park would continue to provide a variety of recreational and educational opportunities for persons of all ability levels. Staff at the Park operate and plan for public programs at Ramirez Canyon Park, including the Children's Educational Program and the Senior & Public Outreach Program. These programs provide public recreational and educational opportunities for visitors from throughout the region, including from the valley area of the Los Angeles Basin, inner Los Angeles City, and West Los Angeles. The Park possesses ideal characteristics and offers visitors access to a sycamore-lined coastal canyon with a stream, stunning natural resources, no traffic, abundant wildlife, lawns used for gatherings, gentle pathways, picnic areas, and other accessible facilities.

Ramirez Canyon Park, with the beautiful and secure surroundings, provides outreach programs designed to bring the best of Malibu and the Santa Monica Mountains to populations with limited access to traditional park programs. The Children's Educational Program gives children and young adults with disabilities a high quality, interactive educational experience in a fun, safe environment. The program centers around various animal activities that emphasize the reinforcement of high self-esteem, and improved communication and cooperation skills. The program also provides environmental instruction about the ecology of Ramirez Canyon Park and the Santa Monica Mountains. Some special education teachers have said that there are no comparable facilities or programs in the region for children with disabilities to explore the outdoors, due to the Park's relaxing, quiet, secluded, and natural setting. Also, the drive along the ocean to the Park can provide a rewarding experience for first-time visitors to the coast. Volunteer docents also work at Ramirez Canyon Park, for example when helping with outreach programs.

- (d) Training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and a maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park. The attached site plan depicts the proposed use areas at the Park for the employee training programs. This includes the Barwood, Peach, Barn, and Art Deco buildings. These programs would be limited to the developed areas of the Park.

The MRCA wildland fire training covers fire-fighting procedures, fire prevention methods, equipment operation, rescue procedures, and first aid. The MRCA wildland fire employees are equipped to protect Ramirez Canyon Park, as well as other Conservancy and MRCA-owned and/or managed parkland throughout the Conservancy zone and larger region. The wildland fire-fighting staff of MRCA also supports other National, State, and local fire agencies throughout the State to protect recreational lands, as necessary during emergencies of Statewide importance.

- (e) On-going property maintenance, upgrades that do not increase the intensity of use or as may be required by regulatory agencies, and repairs. This includes standard park and facility maintenance throughout the Park, including brush clearance required by brush clearance regulations.

City of Malibu Local Coastal Program

The Santa Monica Mountains serves as a recreational area for millions of people. Much of the area is inaccessible to the public. One of the principle overarching goals of the Coastal Act, as stated in California Public Resources Code Section 30001.5(c) is to: "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles..."

The proposed project provides for continued specialized park programs and use of existing facilities at Ramirez Canyon Park to further facilitate unique access opportunities for visitors with disabilities and a variety of recreational and educational opportunities for persons of all ability levels, and to provide for essential administrative support facilities.

The project would implement many policies of the Land Use Plan (LUP) in the City of Malibu Local Coastal Program (LCP). These include, but are not limited to:

City of Malibu LUP

2.1 The shoreline, parklands, beaches and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance.

2.8 Public recreational facilities throughout the City, including parking areas or facilities, shall be distributed, as feasible, to prevent overcrowding and to protect environmentally sensitive habitat areas.

2.10 Volunteers and conservation or public work programs should be utilized where feasible to assist in the development, maintenance, and operation of public accessways and recreational facilities.

2.11 Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.

2.17 Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public

beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit.

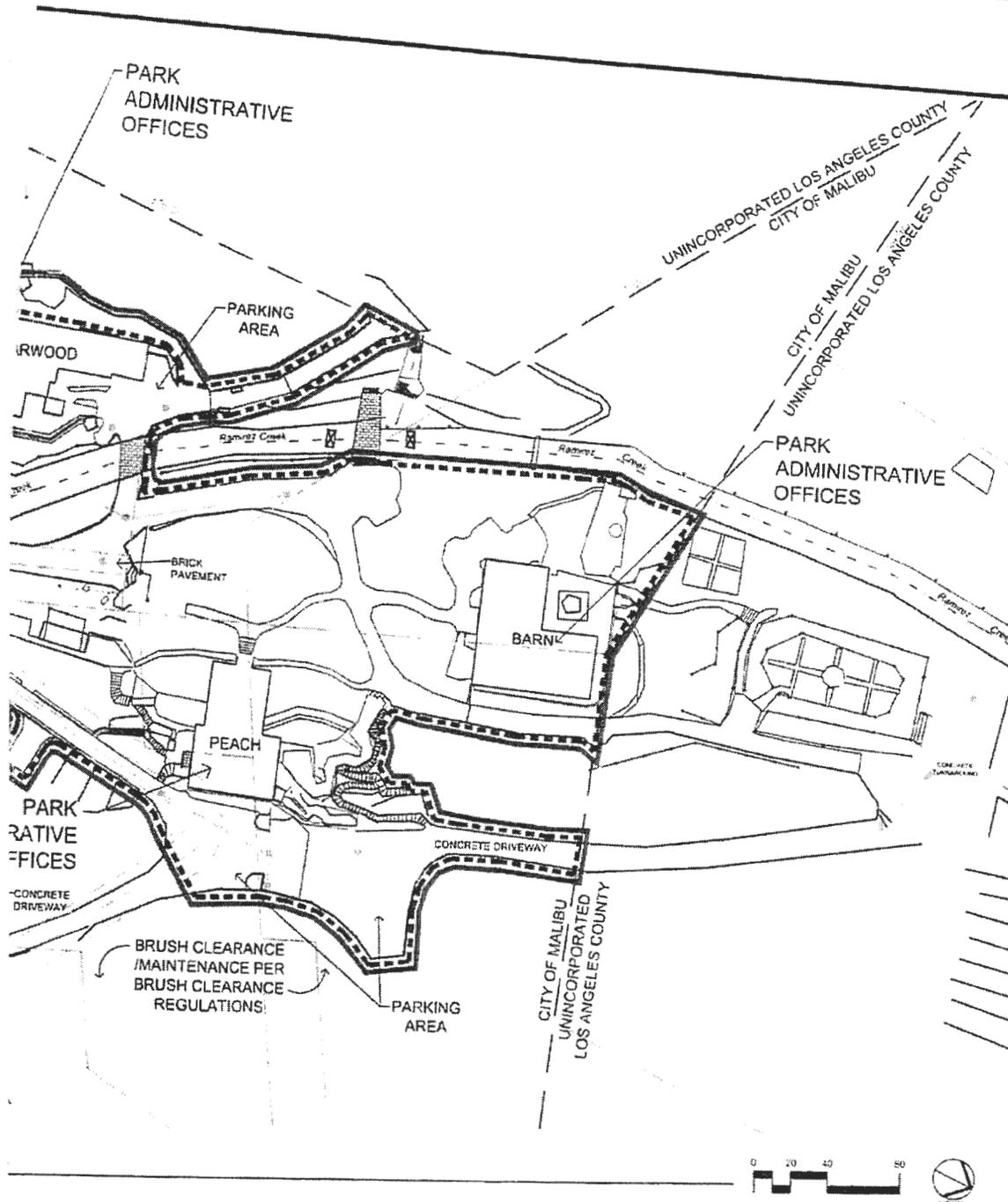
2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

Land Use Designation and Zoning

The park administrative offices at Ramirez Canyon are consistent with the Public Open Space zoning and land use designation in the Malibu LCP. The Local Implementation Plan (LIP) sets forth the permitted uses in the Open Space (OS) zone, the purpose of which is to provide for publicly owned land which is dedicated to recreation or preservation of the City's natural resources, including public beaches, park lands, and preserves. The LUP describes the Public Open Space land use designation and lists the allowable uses to "include passive recreation, research and education, nature observation, and recreational and support facilities."

According to the interpretation (March 10, 2014) by the City of Malibu Planning Manager, the purpose of the permitted uses in the LIP is to assure that publicly owned property designated and zoned OS is predominantly used for the limited uses set forth in Table B of Appendix 1 of the LIP. In order to support that purpose, some portion of the public property may be used for offices or other administrative support. Park administrative offices are subordinate and ancillary uses that support the primary OS use. One example is the regional park administrative offices that plan, operate, manage and enhance the primary OS uses (such as the Conservancy's headquarter offices at Ramirez Canyon Park). Such uses may not occupy more than five percent of the total area of the OS Zoned property in which they are located.

The park administrative offices at Ramirez Canyon Park do not occupy more than five percent of the total area of Ramirez Canyon Park (which is zoned Public Open Space). By dividing the total square footage of the buildings that are or may be used as park administrative offices by the total square footage of the Park, the result is less than two percent. The park administrative offices are consistent with the open space zoning and land use designation of the property.



RAMIREZ CANYON PARK

PARK ADMINISTRATIVE USES IN CITY OF MALIBU

OWNED BY:
Santa Monica Mountains Conservancy

OPERATED BY:
Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority
 5750 Ramirez Canyon Road
 Malibu, CA 90265
 (310) 589-3200

SURVEY:
Aguilar Engineering Incorporated
 937 South Via Lata, Ste 500
 Colton, CA 92324
 Date: 2/7/1995

NOT FOR CONSTRUCTION

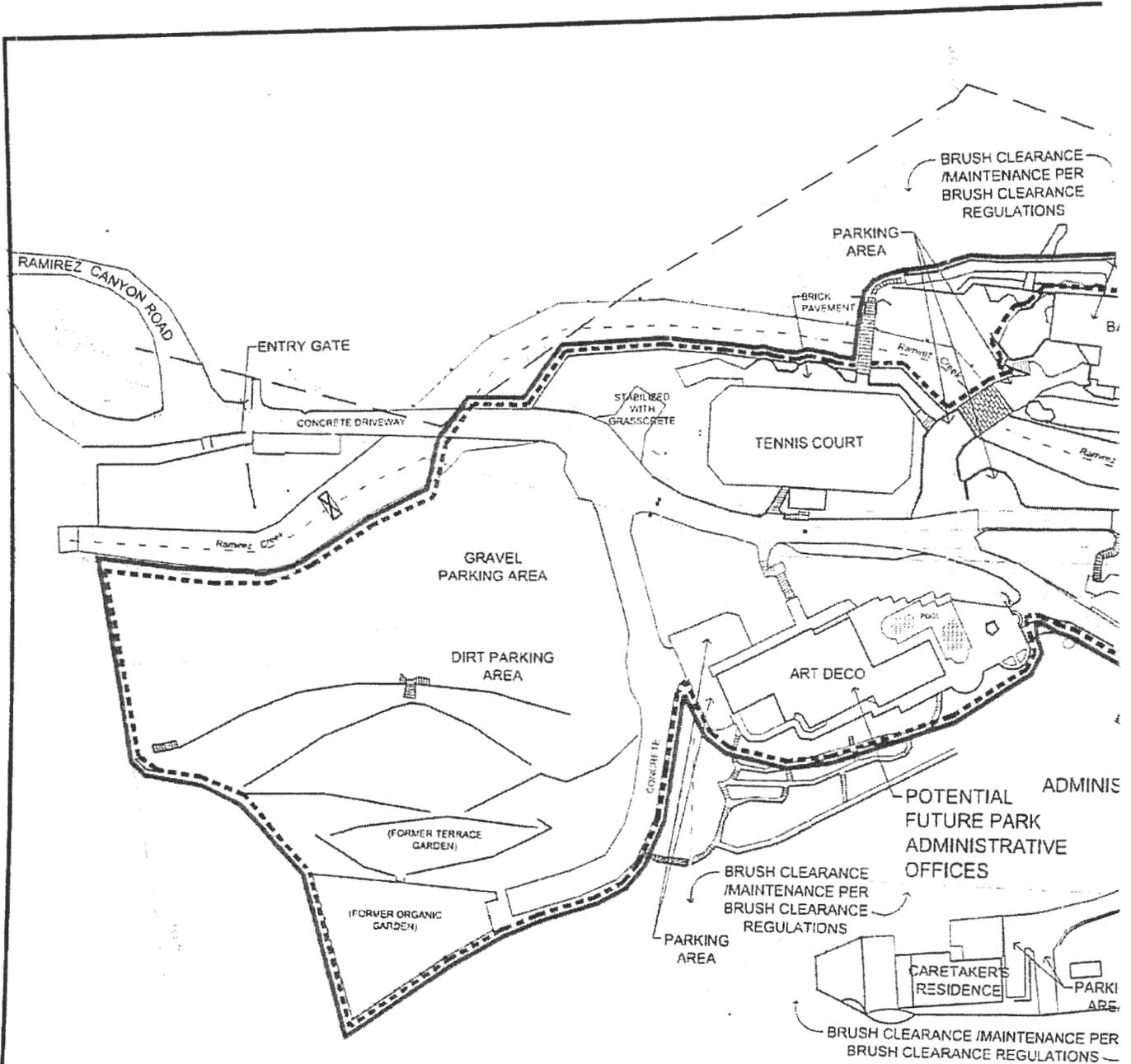
ISSUED:
 06/05/2014

DRAWN: BB
 CHECKED: JT
 PROJECT: 100000
 SCALE: As noted

SITE PLAN

L-100

BUILDINGS, DRIVEWAYS, PATHWAYS AND OTHER IMPROVEMENTS ARE EXISTING



1 PARK ADMINISTRATIVE USES (IN CITY OF MALIBU)
1"=40'-0"

LEGEND

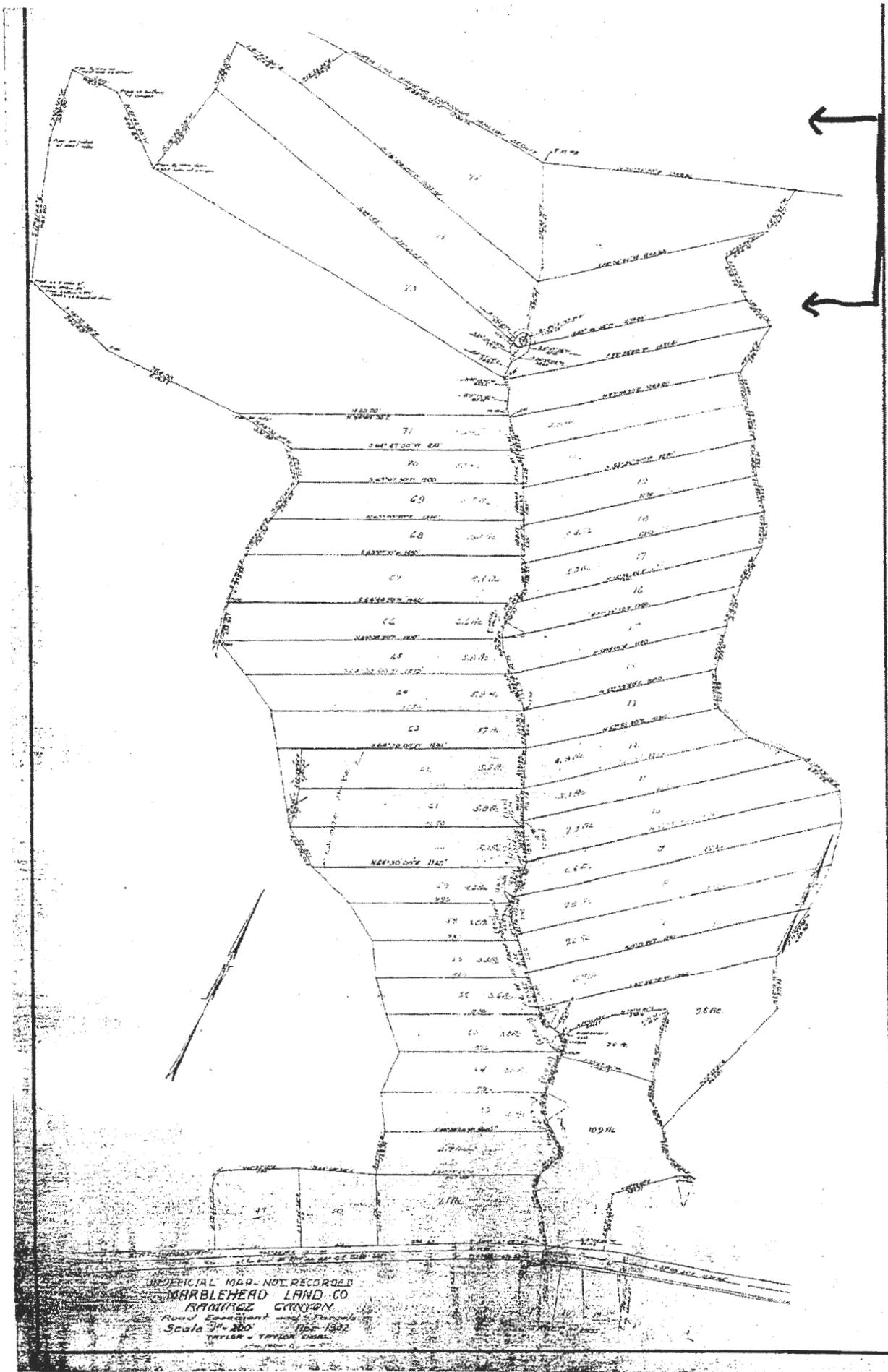
- PARK ADMINISTRATIVE USES (IN CITY OF MALIBU):
- PARK ADMINISTRATIVE OFFICES (SEE NOTES)
- CARETAKER'S RESIDENCE (SEE NOTE)
- PROPOSED USE AREAS FOR PUBLIC OUTREACH PROGRAMS
- PROPOSED USE AREAS FOR EMPLOYEE TRAINING PROGRAMS (INCLUDING WILDLAND FIRE TRAINING)
- ON-GOING PROPERTY MAINTENANCE, UPGRADES, AND REPAIRS (ENTIRE PROPERTY)
- *PARK ADMINISTRATIVE USES ONLY IN CITY OF MALIBU ARE SHOWN.
- PARK ADMINISTRATIVE USES IN UNINCORPORATED LOS ANGELES COUNTY NOT SHOWN.

- UTILITY POLE
- DRAINAGE BASIN
- ▨ DECORATIVE BRICK PAVEMENT
- ▩ BRICK PAVEMENT
- ▧ COBBLE STONE PAVEMENT
- ▦ WOODEN DECKING
- ▤ GRASS
- ▣ UNAPPROVED SANITOE
- ▢ COLLEBY FENCING
- CHARLIE FENCE
- FLOODLINE (DRAIN)
- ▧ CONCRETE GARDENING WALL
- ▦ WALL (CONCRETE) WALL

ASSESSOR'S PARCEL NUMBERS: 4467-002-902, 903, 904, 905, 906
ADDRESSES: 5750, 5775, 5800, 5802, 5810 RAMIREZ CANYON ROAD, MALIBU, CA 90265

NOTE: EASEMENTS NOT SHOWN

NOTE: ALL BU...



Area of Detail on Exh C.

UNOFFICIAL MAP, NOT RECORDED
 MARBLEHEAD LAND CO
 RAMIREZ CANYON
 Scale 3/4" = 200'
 TAYLOR & TAYLOR ENGINEERS

Exh. B

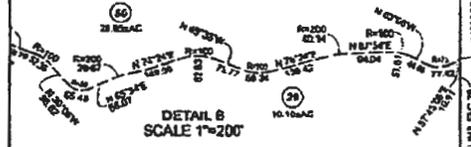
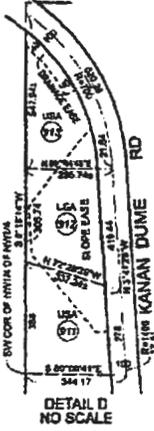
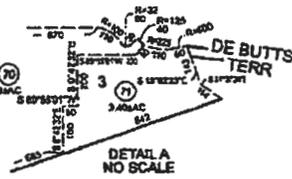
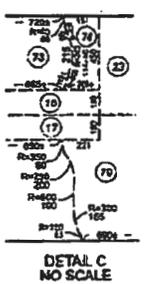
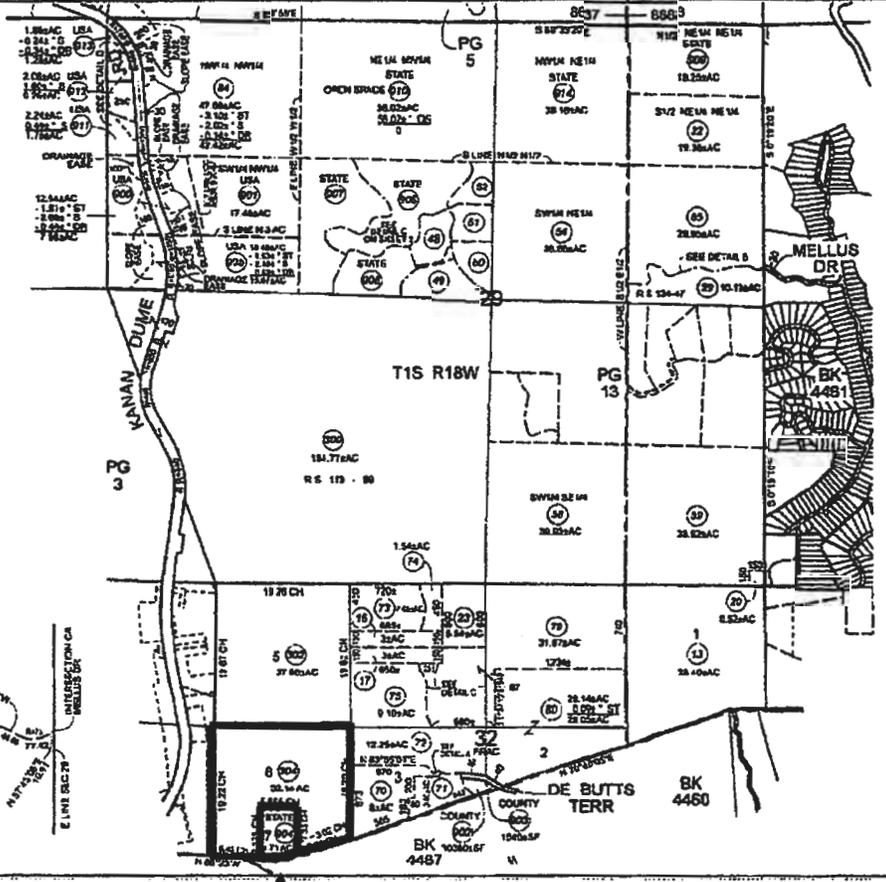


Exhibit 2b
Parcel Map
CDP No. 4-13-001
(MRCAS/SMNC)



Subject Parcels
Marblehead
Tract



Exh
D

81- 711529

Form 1860-B
(July 1973)

Serial No. CA 10049

SURVEY MONUMENT FEE \$10. CODE 99

The United States of America,

Do all to whom these presents shall come, Greeting:

WHEREAS

Jon Peters

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA

JUL 17 1981 AT 8 A.M.

Records Office

FEE
\$5
2 N

is entitled to a Land Patent pursuant to Sec. 507(c)(2) of Public Law 95-625, 92 Stat. 3501, 16 U.S.C. 460kk (1976), for the following described land:

San Bernardino Meridian, California

T. 1 S., R. 18 N.,
Sec. 32, Lot 7;

containing 4.71 acres.

77.00

DOCUMENTARY TRANSFER TAX IS
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.

Signature of Deed Grantor or Agent determining tax. Form Name

4412-01-0011

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, his heirs and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945; and

SUBJECT TO those rights for electrical line purposes as have been granted to Southern California Edison Company, its successors or assigns, by permit No. R 2462 under the Act of March 4, 1911, 36 Stat. 1253, as amended, 43 U.S.C. 9;

PROVIDED, however, that this conveyance is made and accepted upon the express condition and restriction that no dwelling or other major building improvements will be allowed to be constructed on said property now or at any time in the future.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Sacramento, California the THIRTEENTH day of JULY in the year of our Lord one thousand nine hundred and EIGHTY-ONE and of the Independence of the United States the two hundred and SIXTH.

By John B. Russell
Chief, Lands Section
Branch of Lands and Minerals Operations
California State Office



04-81-0042

Patent Number

MAIL TAX STATEMENTS TO
JON PETERS
2015A SPEAR
1900 CENTRAL EXPLOR
LA, CA 90007

7910849 M. E. STEW

EXHE

RECORDING REQUESTED BY

JERRY TIGER

84- 224389

SEE WHEN RECORDED MAIL TO

Barbra Streisand
c/o Jerry Breslawer
10880 Wilshire Blvd. #2110
Los Angeles, Calif. 90024

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 4 P.M. FEB 22 1984
PAST.

CARE AS ABOVE

SURVEY MONUMENT FEE \$10. CODE 99

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Individual Grant Deed

THIS FORM FURNISHED BY RECORD TITLE INSURERS

The undersigned grantor(s) declares:
Documentary transfer tax is \$2,795.65
(X) computed on full value of property conveyed, or
computed on full value less value of liens and encumbrances remaining at time of sale.
Unincorporated area: (X) City of Los Angeles, and
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

FEE
\$6
3 M.

54-224389-48

JERRY PETERS

hereby GRANT(S) to

BARBRA STREISAND

the following described real property in the
County of Los Angeles, State of California:

LEGAL DESCRIPTION: ATTACHED HERETO AND MADE A PART OF AS EXHIBIT "A"

Date: February 17, 1984

[Signature]
Jon Peters

STATE OF CALIFORNIA
COUNTY OF Los Angeles
On February 21, 1984
I, a Notary Public in and for the State of California, do hereby certify that
Jon Peters

Witness my hand and seal this 21st day of February, 1984.

[Signature]
Paul Michael Schaff

OFFICIAL SEAL
PAUL MICHAEL SCHAFF
NOTARY PUBLIC
LOS ANGELES COUNTY
CALIFORNIA

OFFICIAL SEAL
PAUL MICHAEL SCHAFF
NOTARY PUBLIC
LOS ANGELES COUNTY
CALIFORNIA

Title Order No. 6763607 Edition or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Description: Los Angeles, CA Document-Year.DocID 1984.224389 Page: 1 of 3
Order: sec32 Comment:

EXH.
F

DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1 PAGES 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT IN THE NORTH BOUNDARY LINE OF SAID RANCHO, BEING T. M. NO. 8, AS DESCRIBED IN SAID PATENT; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN THE DEED TO HERBERT C. METCALF AND WIFE, RECORDED ON OCTOBER 13, 1950 AS INSTRUMENT NO. 277 IN BOOK 34542 PAGE 254, OFFICIAL RECORDS OF SAID COUNTY, A DISTANCE OF 970.05 FEET TO THE

NORTHERLY LINE OF SAID RANCHO; THENCE ALONG SAID NORTHERLY LINE, SOUTH 70 DEGREES 34 MINUTES 30 SECONDS WEST 968.00 FEET TO SAID T. M. NO. 8; THENCE STILL FOLLOWING SAID NORTHERLY RANCHO LINE, NORTH 86 DEGREES 29 MINUTES 30 SECONDS WEST 370.00 FEET; THENCE SOUTH 60 DEGREES 41 MINUTES 00 SECONDS EAST 470.39 FEET TO A LINE THAT BEARS SOUTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 50.23 FEET FROM SAID TRUE POINT OF BEGINNING; THENCE ALONG SAID LINE, NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 50.23 FEET TO THE SAID TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT IN THE NORTH BOUNDARY LINE OF SAID RANCHO, BEING T. M. NO. 8 AS DESCRIBED IN SAID PATENT; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200.00 FEET; THENCE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID LAND OF METCALF, 165.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 140.00 FEET; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 30.00 FEET; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 140.00 FEET; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES CONTAINED IN, ON, WITHIN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY, AS PROVIDED FOR IN THE DEED FROM MARBLEHEAD LAND COMPANY, A CORPORATION, RECORDED APRIL 14, 1942 IN BOOK 19300 PAGE 12, OFFICIAL RECORDS.

PARCEL 1A:

AN EASEMENT FOR INGRESS AND EGRESS OVER A PARCEL OF LAND, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1 PAGES 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200.00 FEET FROM T. M. NO. 8, AS DESCRIBED IN SAID PATENT, SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY LINE OF SAID RANCHO; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 333.62 FEET; THENCE SOUTH 11 DEGREES 38 MINUTES 10 SECONDS EAST 95.62 FEET TO THE EASTERLY TERMINUS OF THAT CERTAIN SOUTHERLY BOUNDARY LINE DESCRIBED AS HAVING A BEARING AND LENGTH OF NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 1632.19 FEET, IN THE DEED TO HOWARD N. WATHRE AND WIFE, RECORDED ON DECEMBER 12, 1947 AS INSTRUMENT NO. 209 IN BOOK 25944 PAGE 70 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTHERLY LINE, NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 44.34 FEET; THENCE NORTH 11 DEGREES 38 MINUTES 10 SECONDS WEST 71.89 FEET; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 280 FEET; THENCE NORTH 37 DEGREES 30 MINUTES 45 SECONDS WEST 44.47 FEET TO A POINT THAT BEARS SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 50.23 FEET FROM SAID POINT OF BEGINNING; THENCE ALONG SAID LINE, NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 50.23 FEET TO SAID POINT OF BEGINNING.

PARCEL 1B:

84- 224389

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY

PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200.00 FEET FROM T. M. NO. 8, AS DESCRIBED IN SAID PATENT, SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY LINE OF SAID RANCHO; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 60.00 FEET; THENCE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 70.00 FEET; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 60.00 FEET TO THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF THE DEED TO HERBERT R. METCALF AND WIFE, RECORDED ON OCTOBER 13, 1950 AS INSTRUMENT NO. 277 IN BOOK 34542 PAGE 254, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE 58 DEGREES 44 MINUTES 20 SECONDS WEST 70.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY, AS PROVIDED FOR IN THE DEED FROM HARBLEHEAD LAND COMPANY, A CORPORATION, RECORDED ON APRIL 14, 1942 IN BOOK 19308 PAGE 12, OFFICIAL RECORDS OF SAID COUNTY

PARCEL 2:

LOT 7, SECTION 32, TOWNSHIP 1 SOUTH RANGE 14 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

84- 224389

RECORDING REQUESTED BY

CLT

93 2512000

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name State of California
Santa Monica Mountains Conservancy
Street Address 3700 Solstice Canyon Road
Malibu, CA 90265

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. 3 P.M. DEC 27 1993
PAST

This Order No. 5041774-67 Escrow No.

FREE 9 M

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GIFT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) State of California Official Business DOCUMENTARY TRANSFER TAX is \$ Document entitled to free recordation
 Computed on full value of property acquired, per Gov't Code Sec. 6103
 Computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Barbra Streisand

hereby GRANT(S) to The Santa Monica Mountains Conservancy by and behalf of the State of California

the following described real property in the County of Los Angeles State of California:

SEE EXHIBIT "A" ATTACHED CONSISTING 7 PAGE(S) AND BY THIS REFERENCE MADE A PART HEREOF.

Dated 11/30/93

Barbra Streisand
Barbra Streisand

STATE OF CALIFORNIA
COUNTY OF Los Angeles

aka Barbra Streisand Gould

On 11/30/93 before me,

personally appeared Susan Kymburg
Barbra Streisand

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal
Signature *Susan Kymburg*

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City & State

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGES 407 ET SEQ., OF PATENTS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS DISTANT SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 270.00 FEET FROM T. M. NO. 8 AS DESCRIBED IN SAID PATENT, SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY OF SAID RANCHO; THENCE SOUTH 68 DEGREES 14 MINUTES 20 SECONDS WEST 70.00 FEET; THENCE NORTH 26 DEGREES 53 MINUTES 40 SECONDS WEST 93.10 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO HAROLD D. LAUBER, RECORDED APRIL 27, 1964 AS DOCUMENT NO. 4276 IN BOOK D-2449 PAGE 185 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 60 DEGREES 41 MINUTES 00 SECONDS WEST ALONG SAID NORTHEASTERLY LINE OF SAID LAUBER FOR A DISTANCE OF 120.00 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 1, AS DESCRIBED IN DEED TO ROBERT C. TUNNELL AND BARBARA TUNNELL, RECORDED AS DOCUMENT NO. 261 ON FEBRUARY 14, 1972, OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 6 DEGREES 05 MINUTES 30 SECONDS EAST 376.54 FEET TO THE SOUTHWESTERLY CORNER OF SAID TUNNELL PARCEL 1 SAID SOUTHWESTERLY CORNER BEING AT A POINT IN THE SOUTHERLY BOUNDARY OF THE PARCEL DESCRIBED IN DEED TO HOWARD N. WAYMIRE AND VERN L. WAYMIRE, RECORDED JANUARY 12, 1947 IN BOOK 25944 PAGE 70, OFFICIAL RECORDS, RECORDS OF SAID COUNTY, THAT IS DISTANT THEREON SOUTH 76 DEGREES 02 MINUTES 50 SECONDS EAST 1121.47 FEET FROM THE MOST WESTERLY CORNER THEREOF; THENCE ALONG SAID SOUTHERLY LINE SOUTH 76 DEGREES 02 MINUTES 50 SECONDS EAST 310.72 FEET TO THE MOST SOUTHERLY CORNER OF SAID TUNNELL PARCEL 1; THENCE NORTH 11 DEGREES 38 MINUTES 10 SECONDS WEST 95.62 FEET TO AN ANGLE POINT ON THE EASTERLY LINE OF SAID TUNNELL PARCEL 1; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 263.62 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY, AS PROVIDED IN THE DEED FROM MARBLEHEAD LAND COMPANY, RECORDED APRIL 14, 1942, IN BOOK 19308 PAGE 12, OFFICIAL RECORDS.

PARCEL 2:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

93 2512000

Page 1

BEGINNING AT AN ANGLE POINT IN THE NORTH BOUNDARY LINE OF SAID RANCH, BEING TOPANGA MALIBU NO. 8, AS DESCRIBED IN SAID PATENT, THENCE ALONG SAID NORTH LINE, NORTH 70 DEGREES 34 MINUTES 30 SECONDS EAST 1349.92 FEET; THENCE SOUTH 9 DEGREES 52 MINUTES 45 SECONDS WEST 263.67 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 52 DEGREES 04 MINUTES 48 SECONDS WEST 1248.68 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 632.19 FEET; THENCE NORTH 81 DEGREES 43 MINUTES 08 SECONDS WEST 404.64 FEET; THENCE SOUTH 0 DEGREES 56 MINUTES 10 SECONDS EAST 275.56 FEET; THENCE SOUTH 75 DEGREES 41 MINUTES 05 SECONDS EAST 2091.62 FEET; THENCE NORTH 53 DEGREES 18 MINUTES 38 SECONDS EAST 1237.09 FEET; THENCE NORTH 53 DEGREES 03 MINUTES 40 SECONDS WEST 238.00 FEET; THENCE NORTH 31 DEGREES 07 MINUTES 54 SECONDS EAST 264.12 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE EASTERLY TERMINUS OF THAT CERTAIN COURSE HEREINABOVE MENTIONED HAVING A BEARING AND LENGTH OF NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 1632.19 FEET; THENCE THEREON NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 300.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 55 DEGREES 30 MINUTES 41 SECONDS EAST 213.49 FEET; THENCE SOUTH 60 DEGREES 51 MINUTES 34 SECONDS EAST 135.52 FEET; THENCE SOUTH 11 DEGREES 38 MINUTES 10 SECONDS EAST 229.04 FEET TO A POINT IN THE HEREINBEFORE MENTIONED COURSE HAVING A BEARING AND LENGTH OF NORTH 53 DEGREES 18 MINUTES 38 SECONDS EAST 1237.09 FEET DISTANT THEREON NORTH 53 DEGREES 18 MINUTES 38 SECONDS EAST 1.314 FEET FROM THE MOST WESTERLY TERMINUS THEREOF.

ALSO EXCEPT THEREON A CIRCULAR PARCEL OF LAND 40.00 FEET IN DIAMETER THE CENTER OF SAID CIRCLE BEING NORTH 14 DEGREES 59 MINUTES 50 SECONDS EAST 39.26 FEET FROM THE MOST WESTERLY TERMINUS OF THAT CERTAIN COURSE HEREINABOVE MENTIONED HAVING A BEARING AND LENGTH OF NORTH 53 DEGREES 18 MINUTES 38 SECONDS EAST 1237.09 FEET.

ALSO EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES CONTAINED IN, ON, WITHIN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY, AS RESERVED IN THE DEED FROM MARBLEHEAD LAND COMPANY, A CORPORATION, RECORDED MARCH 27, 1942 IN BOOK 19183 PAGE 261, OFFICIAL RECORDS.

PARCEL 3:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGES 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

93 2512000

Page 2

BEGINNING AT A POINT THAT IS DISTANT SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 270.00 FEET FROM T.M. NO. 8 AS DESCRIBED IN SAID PATENT. SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY OF SAID RANCHO; THENCE SOUTH 68 DEGREES 14 MINUTES 20 SECONDS WEST 70.00 FEET; THENCE NORTH 26 DEGREES 53 MINUTES 40 SECONDS WEST 93.10 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO HAROLD D. LAUBER, RECORDED APRIL 27, 1964 AS DOCUMENT NO. 4276 IN BOOK D-2449 PAGE 185 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 60 DEGREES 41 MINUTES 00 SECONDS WEST 430.39 FEET TO THE MOST NORTHERLY CORNER OF SAID LAUBER PARCEL, BEING ON THE NORTHERLY LINE OF SAID RANCHO TOPANGA MALIBU SEQUIT; THENCE SOUTH 86 DEGREES 29 MINUTES 30 SECONDS EAST ALONG SAID NORTHERLY LINE 370.00 FEET TO THE FIRST ABOVE MENTIONED CORNER NO. 8; THENCE CONTINUING ON SAID NORTHERLY LINE OF SAID RANCHO NORTH 70 DEGREES 34 MINUTES 30 SECONDS EAST 968.80 FEET TO AN ANGLE POINT ON THE NORTHERLY LINE OF PARCEL 1, DESCRIBED IN DEED TO HERBERT E. METCALF AND CAROL R. METCALF, RECORDED AS DOCUMENT NO. 277 ON OCTOBER 13, 1950 IN BOOK 34542 PAGE 254 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID METCALF PARCEL 1, A DISTANCE OF 665.85 FEET TO A POINT THAT IS DISTANT NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 305.00 FEET FROM THE NORTHWESTERLY CORNER OF SAID METCALF PARCEL 1; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 30.00 FEET; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 140.00 FEET; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 30.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID METCALF PARCEL 1 THAT IS DISTANT NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 165.00 FEET FROM THE NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 95.00 FEET; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 60.00 FEET; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 70.00 FEET TO A POINT THAT IS DISTANT SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 260.00 FEET FROM THE FIRST ABOVE MENTIONED T. M. NO. 8; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 10.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES CONTAINED IN, ON, WITHIN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY, AS PROVIDED FOR IN THE DEED FROM MARBLEHEAD LAND COMPANY, A CORPORATION, RECORDED APRIL 14, 1942 IN BOOK 19308 PAGE 12, OFFICIAL RECORDS.

PARCEL 4:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ. OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT THAT IS SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200.00 FEET FROM T. M. NO. 8, AS DESCRIBED IN SAID PATENT, SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY LINE OF SAID RANCHO; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 333.62 FEET; THENCE SOUTH 11 DEGREES 38 MINUTES 10 SECONDS EAST 95.62 FEET TO THE EASTERLY TERMINUS OF THAT CERTAIN COURSE, DESCRIBED IN THE DEED TO HOWARD N. WAYMIRE AND WIFE, RECORDED ON DECEMBER 12, 1947 AS INSTRUMENT NO. 209, IN BOOK 25944 PAGE 70, OFFICIAL RECORDS OF SAID COUNTY, AS HAVING A BEARING AND LENGTH OF NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 1632.19 FEET THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LAND OF WAYMIRE, NORTH 52 DEGREES 04 MINUTES 48 SECONDS EAST 272.00 FEET; THENCE NORTH 62 DEGREES 02 MINUTES 13 SECONDS WEST 107.13 FEET; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 200.00 FEET; THENCE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 60.00 FEET; THENCE NORTH 6 DEGREES 30 MINUTES 12 SECONDS EAST 125.53 FEET TO THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF THE DEED TO HERBERT E. METCALF AND WIFE, RECORDED ON OCTOBER 13, 1950 AS INSTRUMENT NO. 277, IN BOOK 34542 PAGE 254, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 305.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LAND; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LAND, SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 60.00 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 70.00 FEET; THENCE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 60.00 FEET TO THE NORTHWESTERLY LINE OF SAID LAND; THENCE ALONG SAID NORTHWESTERLY LINE, SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 70.00 FEET TO THE POINT OF BEGINNING, TOGETHER WITH THAT PARCEL OF LAND SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGES 407 ET SEQ. OF PATENTS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS DISTANT SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 200.00 FEET FROM T. M. NO. 8, AS DESCRIBED IN SAID PATENT, SAID T. M. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY LINE OF SAID RANCHO; SAID POINT OF BEGINNING BEING ON THE SOUTHEASTERLY LINE OF THE PARCEL DESCRIBED IN DEED TO ROBERT E. JOHNSON AND WIFE RECORDED AUGUST 27, 1963 AS DOCUMENT NO. 381 IN BOOK D-2159 PAGE 558, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST ALONG SAID SOUTHEASTERLY LINE 165.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 58 DEGREES 44 MINUTES 20 SECONDS EAST 140.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 24 DEGREES 45 MINUTES 40 SECONDS WEST 30.00 FEET; THENCE SOUTH 58 DEGREES 44 MINUTES 20 SECONDS WEST 140.00 FEET; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 5:

LOT 7, SECTION 32, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

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PARCEL 6:

A NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER THAT PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT T. H. NO. 8, AS DESCRIBED IN SAID PATENT, SAID T. H. NO. 8 BEING AN ANGLE POINT IN THE NORTHERLY BOUNDARY OF SAID RANCHO; THENCE SOUTH 24 DEGREES 45 MINUTES 40 SECONDS EAST 533.62 FEET; THENCE SOUTH 11 DEGREES 18 MINUTES 10 SECONDS EAST 95.62 FEET TO THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS HAVING A BEARING OF SOUTH 52 DEGREES 04 MINUTES 48 SECONDS WEST AND A LENGTH OF 1248.63 FEET IN THE DEED TO WILFRED C. HAGEDORN AND WIFE, RECORDED FEBRUARY 21, 1958, AS INSTRUMENT NO. 1972, IN BOOK D-20 PAGE 402, OFFICIAL RECORDS; THENCE FOLLOWING THE BOUNDARIES OF SAID LAST MENTIONED LAND, AS FOLLOWS: NORTH 76 DEGREES 02 MINUTES 50 SECONDS WEST 1632.19 FEET; NORTH 81 DEGREES 43 MINUTES 08 SECONDS WEST 404.64 FEET; SOUTH 0 DEGREES 56 MINUTES 10 SECONDS EAST 275.56 FEET; AND SOUTH 75 DEGREES 41 MINUTES 05 SECONDS EAST 2091.62 FEET TO THE MOST SOUTHERLY CORNER OF SAID LAND OF HAGEDORN; THENCE NORTH 14 DEGREES 59 MINUTES 50 SECONDS EAST 39.26 FEET TO A POINT HEREINAFTER CALLED POINT "A"; THENCE SOUTH 14 DEGREES 59 MINUTES 50 SECONDS WEST 39.26 FEET TO SAID MOST SOUTHERLY CORNER AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 75 DEGREES 41 MINUTES 05 SECONDS WEST 57.60 FEET; THENCE NORTHEASTERLY IN A STRAIGHT LINE TANGENT TO A CIRCLE HAVING A RADIUS OF 60.00 FEET, THE CENTER OF WHICH BEING POINT "A" HEREINABOVE MENTIONED; THENCE FOLLOWING THE ARC OF SAID CIRCLE, NORTHERLY, EASTERLY AND SOUTHERLY TO THE INTERSECTION OF SAID ARC WITH A LINE WHICH BEARS NORTH 53 DEGREES 08 MINUTES 38 SECONDS EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 53 DEGREES 08 MINUTES 38 SECONDS WEST TO THE POINT OF BEGINNING.

EXCEPT FOR THAT PORTION OF SAID LAND INCLUDED WITHIN A CIRCLE HAVING A DIAMETER OF 40.00 FEET, THE CENTER OF WHICH BEING POINT "A" HEREINABOVE MENTIONED.

PARCEL 7:

AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES OVER THAT PORTION OF A PARCEL OF LAND IN LOS ANGELES COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND 40.00 FEET WIDE, THE CENTER LINE OF SAID 40.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

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BEGINNING AT ENGINEER'S STATION 624 PLUS 00.67 IN THE CENTER LINE OF THE 80.00 FOOT STRIP OF LAND DESCRIBED IN THE DEED FROM T. R. CADWALADER, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15226 PAGE 342, OFFICIAL RECORDS OF SAID COUNTY, SAID ENGINEER'S STATION BEING AT THE WESTERLY EXTREMITY OF THAT CERTAIN COURSE DESCRIBED IN SAID DEED AS NORTH 73 DEGREES 08 MINUTES 40 SECONDS EAST 1248.62 FEET THENCE SOUTH 16 DEGREES 51 MINUTES 20 SECONDS EAST 40.00 FEET TO THE SOUTHERLY LINE OF SAID 80.00 FOOT STRIP OF LAND; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID 80.00 FOOT STRIP OF LAND, BEING A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 4960.00 FEET, A DISTANCE OF 444.53 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 8 DEGREES 34 MINUTES 50 SECONDS WEST 92.03 FEET; THENCE NORTH 3 DEGREES 30 MINUTES 50 SECONDS WEST 168.74 FEET; THENCE NORTH 43 DEGREES 42 MINUTES 10 SECONDS WEST 111.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 77.27 FEET; THENCE NORTHERLY ALONG SAID LAST MENTIONED CURVE AN ARC DISTANCE OF 38.75 FEET; THENCE TANGENT NORTH 22 DEGREES 06 MINUTES 30 SECONDS EAST 138.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 50.95 FEET; THENCE NORTHERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 67.82 FEET THENCE TANGENT NORTH 54 DEGREES 09 MINUTES 50 SECONDS WEST 151.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 151.92 FEET; THENCE NORTHWESTERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 139.34 FEET; THENCE TANGENT NORTH 1 DEGREE 36 MINUTES 50 SECONDS WEST 248.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 67.68 FEET; THENCE NORTHWESTERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 98.18 FEET; THENCE TANGENT NORTH 84 DEGREES 43 MINUTES 50 SECONDS WEST 59.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 102.37 FEET; THENCE NORTHWESTERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 76.26 FEET; THENCE TANGENT NORTH 42 DEGREES 02 MINUTES 50 SECONDS WEST 519.37 FEET; THENCE NORTH 18 DEGREES 03 MINUTES 30 SECONDS WEST 113.14 FEET; THENCE NORTH 5 DEGREES 04 MINUTES 30 SECONDS WEST 196.38 FEET; THENCE NORTH 30 DEGREES 44 MINUTES 30 SECONDS WEST 189.22 FEET; THENCE NORTH 24 DEGREES 55 MINUTES 10 SECONDS WEST 103.54 FEET; THENCE NORTH 22 DEGREES 39 MINUTES 50 SECONDS WEST 200.60 FEET; THENCE NORTH 20 DEGREES 45 MINUTES 10 SECONDS WEST 207.74 FEET; THENCE NORTH 46 DEGREES 06 MINUTES 10 SECONDS WEST 306.69 FEET; THENCE NORTH 29 DEGREES 29 MINUTES 10 SECONDS WEST 73.70 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A

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RADIUS OF 145.26 FEET THENCE NORTHERLY ALONG SAID LAST MENTIONED CURVE, AN ARC DISTANCE OF 86.33 FEET; THENCE TANGENT NORTH 4 DEGREES 33 MINUTES 50 SECONDS EAST 210.10 FEET; THENCE NORTH 26 DEGREES 08 MINUTES 10 SECONDS WEST 622.93 FEET, MORE OR LESS, TO THE SOUTHEASTERLY PROLONGATION OF THAT CERTAIN COURSE DESCRIBED AS SOUTH 42 DEGREES 02 MINUTES 10 SECONDS EAST 50.00 FEET, IN THE DEED FROM R. M. WOOLPERT AND WIFE, RECORDED ON APRIL 17, 1942 AS INSTRUMENT NO. 574; THENCE NORTH 42 DEGREES 02 MINUTES 10 SECONDS WEST 301.24 FEET, MORE OR LESS, ALONG SAID SOUTHEASTERLY PROLONGATION AND ALONG THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED TO THE NORTHWESTERLY TERMINUS OF SAID LAST MENTIONED COURSE; THENCE ALONG THE WESTERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED NORTH 15 DEGREES 59 MINUTES 10 SECONDS WEST 83.00 FEET; THENCE ALONG THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED AND ITS NORTHWESTERLY PROLONGATION NORTH 46 DEGREES 32 MINUTES 10 SECONDS WEST 85.34 FEET; THENCE NORTH 4 DEGREES 47 MINUTES 50 SECONDS EAST 94.97 FEET, MORE OR LESS TO A POINT DISTANT SOUTH 4 DEGREES 47 MINUTES 50 SECONDS WEST 85.00 FEET FROM THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO HOPE ANN GOODRICH, RECORDED ON MARCH 27, 1942 IN BOOK 19183 PAGE 261, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 26 DEGREES 12 MINUTES 09 SECONDS WEST 77.47 FEET; THENCE NORTH 11 DEGREES 12 MINUTES 47 SECONDS EAST 62.21 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 40.00 FEET AND WHICH IS CONCENTRIC WITH THE EXTERIOR BOUNDARY OF THAT CERTAIN CIRCULAR PARCEL DESCRIBED IN THE FIRST EXCEPTION FROM SAID LAST MENTIONED DEED; THENCE NORTHERLY, EASTERLY, AND SOUTHERLY ALONG SAID LAST MENTIONED CURVE 118.28 FEET; THENCE TANGENT SOUTH 0 DEGREES 47 MINUTES 28 SECONDS WEST 45.00 FEET; THENCE SOUTH 36 DEGREES 19 MINUTES 04 SECONDS WEST 95.65 FEET TO THE NORTHERLY EXTREMITY OF THAT CERTAIN COURSE HEREINABOVE DESCRIBED AS NORTH 4 DEGREES 47 MINUTES 50 SECONDS EAST 94.97 FEET.

THE SIDE LINES OF SAID 40.00 FOOT STRIP OF LAND ARE TO BE PROLONGED OR SHORTENED SO AS TO INTERSECT AT ANGLE POINTS AND TO TERMINATE AT ITS SOUTHERLY END IN THE SOUTHERLY LINE OF THE 80.00 FOOT STRIP OF LAND DESCRIBED IN SAID DEED TO THE STATE OF CALIFORNIA.

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CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by deed or grant, dated November 30, 1993, from Barbra Streisand to the STATE OF CALIFORNIA, is hereby accepted by the undersigned officer on behalf of the State of California, pursuant to authority conferred by authorization of the Santa Monica Mountains Conservancy, adopted on November 3, 1993, and the grantee consents to the recordation thereof by its duly authorized officer

STATE OF CALIFORNIA
Resources Agency
Santa Monica Mountains Conservancy


By: Joseph T. Edmiston
Executive Director

ACKNOWLEDGMENT

STATE OF CALIFORNIA

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)SS.

County of Los Angeles

On this 24th day of December, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph T. Edmiston, personally known to me (or proved on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal


(signature)

HOWARD R. SPANIER
(name typed or printed)
Notary Public in and for
the State of California

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RECORDED at request of Div. of Resources & Collections APR 7 1942 At 5 min. past 9 A.M.
in Vol. 367 of Official Records Page 35 VENTURA COUNTY JOHN S. LOGIE, Recorder by
Olivia Montano DEPUTY

MONTEREY COUNTY OFFICIAL RECORDS RECORDED AT REQUEST OF Div. of Resources & Collections
1942 APR 17 AM 8 41 VOL 761 PAGE 519 JOHN E. WALLACE RECORDER E. Wallace Deputy

#1342 - Copy of original recorded at request of DEPT. OF CHARITIES APR 30, 1942 12:51 P.M.
Copyist 21 compared NAME B BEATTY County Recorder, By 18 (1943) Deputy
PRE-6 F.

X-X-X-X-X-X-X-X-X
GRANT DEED

19299 / 143

No. I.R.S. Required.

MARBLEHEAD LAMP COMPANY, a Delaware corporation, in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, do hereby grant to ROSE ANN COUNDRICH, a widow, the Grantee, an easement or right of way for road purposes over the following described three parcels of land situated in Los Angeles County, State of California, being portions of the Rancho Topanga Malibu Sequit, as confirmed to Matthew Keller by Patent recorded in Book 1 Page 407 at 200., of Santa, Records of said County particularly described as follows:

PARCEL NO. 1 Beginning at the point of intersection of the southerly line of the 50 foot strip of land described in the deed from W.R. Cadwalader, trustee, et al., to the State of California, recorded in Book 15228 Page 342 of Official Records of said County, with the northerly prolongation of the westerly line of Lot 21, Block 2 of Tract No. 12935, as per map recorded in Book 246 Pages 38 and 40 of Maps in the office of the County Recorder of said County; thence along said prolongation and along said westerly line, south 8° 02' 54" west, 116.74 feet; thence north 16° 07' 00" west to said southerly line; thence easterly along said southerly line to the point of beginning.

PARCEL NO. 2 Beginning at the point of intersection of said southerly line with the northerly prolongation of the westerly line of said lot 21; thence northeasterly along said southerly line on the arc of a curve concave southerly and having a radius of 4500 feet, a distance of 66 feet; thence southeasterly on a radial line to said curve at said last mentioned point, 60 feet; thence southwesterly along the arc of a curve concave west and 60 feet from the above mentioned curve, to the westerly line of said Lot 21; thence northerly along said westerly line and its northerly prolongation, north 8° 02' 54" east to the point of beginning.

PARCEL NO. 3 A strip of land 40 feet wide, the center line of which is described as follows: Beginning at Engineer's Station 674 plus 60.67 in the center line of the 70 foot strip of land described in the deed from W.R. Cadwalader, trustee, et al., to the State of California, recorded in Book 15228 Page 342 of Official Records of said County, said Engineer's Station being at the westerly extremity of that certain course described in said deed as "north 73° 08' 40" east, 1248.60 feet"; thence south 16° 51' 20" east, 40 feet to the southerly line of said 80 foot strip of land; thence westerly along a curve in said southerly line concave southerly and having a radius of 4900 feet, a distance of 448.83 feet to the true point of beginning; thence north 8° 32' 50" west, 92.03 feet; thence north 35° 30' 50" west, 168.74 feet; thence north 43° 42' 10" west, 111.89 feet; thence northerly along a tangent curve, concave easterly and having a radius of 77.27 feet, a distance of 64.75 feet; thence tangent north 22° 06' 30" east, 138.63 feet; thence northerly along a tangent curve, concave westerly and having a radius of 50.95 feet, a distance of 67.82 feet; thence tangent north 14° 09' 50" west, 151.45 feet; thence northwesterly along a tangent curve, concave northwesterly and having a radius of 151.92 feet, a distance of 159.24 feet; thence tangent north 1° 36' 50" west, 146.22 feet; thence northwesterly along a tangent curve, concave southeasterly and having a radius of 67.68 feet, a distance of 45.58 feet; thence tangent north 84° 43' 50" west, 58.63 feet; thence northwesterly along a tangent curve, concave northwesterly and having a radius of 102.87 feet, a distance of 76.06 feet; thence tangent north 42° 02' 50" west, 519.27 feet; thence north 18° 03' 30" west, 113.14 feet; thence north 6° 02' 00" west, 196.26 feet; thence north 30° 44' 30" west, 169.22 feet; thence north 24° 55' 10" west, 183.54 feet; thence north 32° 35' 30" west, 200.66 feet; thence north 26° 43' 10" west, 207.74 feet; thence north 46° 06' 10" west, 305.50 feet; thence north 29° 29' 10" west, 73.70 feet; thence northerly along a tangent curve, concave easterly and having a radius of 143.88 feet, a distance of 86.33 feet; thence tangent north 18° 33' 50" west, 210.10 feet; thence north 26° 08' 10" west, 621.73 feet, more or less, to the southeasterly prolongation of that certain course described as "south 42° 02' 10" east, 60 feet" in the deed to W.R. Cadwalader and wife, recorded April 17, 1942 as Document No. 374 in the office of the County Recorder of said County; thence north 32° 08' 30" west, 211.74 feet, more

Easement
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Memo City: Has Applicant appealing the description in this deed. See Book 1912 Page 70 CR. Name B. Beatty, Co Recorder.

EXH.
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or less, along said southeasterly prolongation and along the southwesterly line of the land described in the last mentioned deed to the northwesterly terminus of said course in said southwesterly line; thence along the westerly line of said land, north 15° 59' 10" west, 28.00 feet; thence along the southwesterly line of said land and its northwesterly prolongation, north 45° 32' 10" west, 35.34 feet; thence north 4° 47' 50" east, 04.07 feet, more or less, to a point distant south 4° 47' 50" west, 85 feet from the most southerly corner of the land described in the deed to Hope Ann Goodrich, recorded March 27, 1942 in Book 19183 Page 261 of Official Records of said County; thence north 35° 12' 09" west, 77.47 feet; thence north 11° 21' 47" east, 52.21 feet to the beginning of a curve having a radius of 40 feet and which is concentric with the exterior boundary of that certain circular parcel described in the first exception from the last mentioned deed; thence northerly, easterly and southerly along said curve, 118.28 feet; thence tangent south 0° 47' 28" west, 43.00 feet; thence south 36° 19' 06" west, 85.65 feet to the northerly extremity of that certain course hereinbefore described in Encement No. 3 at north 4° 47' 50" east, 94.97 feet.

The side lines of said 40 foot strip to be prolonged or shortened so as to intersect at angle points and to terminate at the southerly end, in the southerly line of said 80 foot strip of land described in said deed to the State of California.

The purpose of this easement is to enable Grantee herein to use the same for the purpose of ingress and egress to and from the State Highway to and from the lands heretofore conveyed by grantor herein to Hope Ann Goodrich, the Grantee herein, by deed recorded March 27, 1942 in Book 19183 Page 261 of Official Records of Los Angeles County. This easement is appurtenant to said lands conveyed to Hope Ann Goodrich.

The Grantor reserves the right to make similar use of the easement or easements herein granted and likewise to grant similar easements to others.

The Grantor further reserves the right to change, alter or relocate the right of way or easement herein granted provided said changes do not prevent the Grantee from having an easement or right of way for road purposes, to the end that Grantee has the means of ingress and egress to and from the State Highway as aforesaid.

Grantor further reserves the right to dedicate to the public or to convey to a governmental body the lands over which the easement herein granted is conveyed for road or travel purposes and upon said dedication or conveyance to a governmental body for said purposes the easements herein granted shall terminate.

Grantor in making this conveyance does not assume and Grantee accepts this conveyance subject to the understanding, that there is no obligation on the part of Grantor, its successors in interest and assigns to maintain or repair a road over the lands on which the easement herein is granted and that Grantee herein, her successors and assigns accept this conveyance without any right or claim arising at any time against Grantor, its successors in interest or assigns by reason of the condition or maintenance of any road which may be laid out over the lands on which the easement herein is granted.

IN WITNESS WHEREOF, MARPLEHEAD LAND COMPANY has caused its corporate signature to be hereunto subscribed and its corporate seal to be hereunto affixed by its President and Assistant Secretary, this 28th day of April, 1942.

(SEAL)

MARPLEHEAD LAND COMPANY
By Howard C. Bonsall President
By Marvin Osburn Assistant Secretary

STATE OF CALIFORNIA COUNTY OF LOS ANGELES) SS On this 28th day of April, 1942, before me, ROLAND FRIEES, a Notary Public in and for the said County, residing therein, duly commissioned and sworn, personally appeared EDWARD C. BONSALE, known to me to be the President, and MARVIN OSBURN, known to me to be the Assistant Secretary, of the corporation described in and that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS

WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

In and for the County of Los Angeles, State of California. Roland Friees Notary Public

Filed copy of original recorded at request of MARPLEHEAD LAND CO. APR 30, 1942 1:55 P.M. Original #1 Compared NAME B SEATTE County Recorder, (163) Deputy

42-20-18 42

RECORD OF DEEDS

Not All Due by these... on April 4, 1942, GRANT A. SCRIVEN AND MILTON

JUN 04 2014

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

1 CHATTEN-BROWN & CARSTENS LLP
2 Douglas P. Carstens, SBN 193439
3 Josh Chatten-Brown, SBN 243605
4 Michelle N. Black, SBN 261962
5 2200 Pacific Coast Highway, Suite 318
6 Hermosa Beach, CA 90254
7 310.798.2400; Fax 310.798.2402
8 dpc@cbcearthlaw.com

9 Attorneys for Petitioner
10 Ramirez Canyon Preservation Fund

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF LOS ANGELES**

13 **RAMIREZ CANYON PRESERVATION**
14 **FUND,**

15 **Petitioner/Plaintiff,**

16 **v.**

17 **CALIFORNIA COASTAL COMMISSION**
18 **and DOES 1 through 10, inclusive,**

19 **Respondent/Defendant;**

20 **COUNTY OF LOS ANGELES and ROES 1**
21 **through 10, inclusive,**

22 **Real Party in Interest.**

CASE NO.:

BS149042

**PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(California Coastal Act)

*FS
Chalfant*

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**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**CALIFORNIA COASTAL COMMISSION, AND DOES THROUGH
YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):**
10, INCLUSIVE

RAMIREZ CANYON PRESERVATION FUND

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

JUN 04 2014

Sherri R. Carter, Executive Officer/Clerk
By Myrna Beltran, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presente su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos eventuales por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **Los Angeles Superior Court
Stanley Mosk Courthouse
111 North Hill St.**

CASE NUMBER:
(Número del Caso): **BS 149042**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Chatten-Brown & Carstens; 2200 Pacific Coast Highway, Suite 318, Hermosa Beach, CA 90254; 310-798-2400

DATE: (Fecha) **SHERRI R. CARTER** Clerk, by (Secretario) **MYRNA BELTRAN** Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

[SEAL]
JUN 04 2014

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.80 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

1 CHATTEN-BROWN & CARSTENS LLP
2 Douglas P. Carstens, SBN 193439
3 Josh Chatten-Brown, SBN 243605
4 Michelle N. Black, SBN 261962
5 2200 Pacific Coast Highway, Suite 318
6 Hermosa Beach, CA 90254
7 310.798.2400; Fax 310.798.2402
8 dpc@cbcearthlaw.com

7 Attorneys for Petitioner
8 Ramirez Canyon Preservation Fund

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 RAMIREZ CANYON PRESERVATION)
12 FUND,)
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Petitioner/Plaintiff,

v.

CALIFORNIA COASTAL COMMISSION
and DOES 1 through 10, inclusive,

Respondent/Defendant;

COUNTY OF LOS ANGELES and ROES 1
through 10, inclusive,

Real Party in Interest.

CASE NO.:

**PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(California Coastal Act)

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INTRODUCTION

1. Los Angeles County's Santa Monica Mountains Land Use Plan provides the general planning policies for the Santa Monica Mountains segment of the County's coastal zone. The Land Use Plan was approved by the County of Los Angeles, then sent to the California Coastal Commission for certification. The Coastal Commission denied certification, but certified a modified version of the Land Use Plan that included numerous modifications with which the County agrees.

2. The Santa Monica Mountains is an area of tremendous ecological diversity. The wildlife and vegetation are part of an increasingly rare complex of natural ecosystems.

3. Los Angeles County's Land Use Plan would authorize campgrounds and associated facilities to be sited within environmentally sensitive habitat areas, despite the fact that such areas are easily disturbed or degraded by human activities and developments.

4. The Coastal Act provides that "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and *only uses dependent on those resources shall be allowed* within those areas." (Pub. Resources Code, § 30240, *emphasis added*.) Campgrounds do not depend on environmentally sensitive habitat areas (ESHA) to exist. Thus, campgrounds are not resource-dependent. By allowing campground development within ESHA, Los Angeles County's approved Land Use Plan violates the Coastal Act. The Coastal Commission's certification of the Land Use Plan's compliance is void in so far as it allows Los Angeles County to define campgrounds in ESHA as a resource dependent use.

JURISDICTION

5. This Court has jurisdiction over the writ action under section 1094.5 of the Code of Civil Procedure, and sections 21168 and 21168.5 of the Public Resources Code.

1
2 **STATEMENT OF FACTS**

3 12. The Santa Monica Mountains is geologically complex and characterized by
4 generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging
5 from sea level to over 3,000 feet. An extraordinary feature of this section of coast is the
6 large number of watersheds. The upper reaches of streams in these watersheds are
7 relatively undisturbed and consist of steep canyons containing riparian oak-sycamore
8 bottoms, with coastal sage scrub and chaparral.

9 13. The topographic and geologic complexity of the Santa Monica Mountains
10 has contributed to significant ecological diversity. More than 40 species of mammals,
11 over 400 species of birds, and 35 species of reptiles and amphibians are known to occur
12 in the Santa Monica Mountains. These wildlife species and vegetation types are part of a
13 diverse and increasingly rare complex of natural ecosystems.

14 14. In early 2014, Los Angeles County ("the County") submitted a proposed
15 Local Coastal Program ("LCP") for the Santa Monica Mountains segment of the
16 County's coastal zone to the California Coastal Commission for certification. The LCP
17 is comprised of a Land Use Plan ("LUP"), which provides the general overarching
18 planning policies and programs for the plan area, and a Local Implementation Program
19 ("LIP"), which contains the more detailed zoning or implementing ordinances designed
20 to carry out the policies of the LUP. The County requested an amendment to replace its
21 existing certified LUP, the Malibu-Santa Monica Mountains LUP certified by the
22 Commission in 1986, with an updated LUP. The Coastal Commission has not yet
23 certified the County's LIP, but is expected to do so within the next few months.

24 15. The Santa Monica Mountains segment of Los Angeles County's coastal
25 zone includes the unincorporated area west of the City of Los Angeles and east of
26 Ventura County, excluding the City of Malibu and Pepperdine University. The Santa
27 Monica Mountains plan area extends inland from the shoreline approximately five miles
28

1 and encompasses approximately 50,000 acres. The Santa Monica Mountains are a
2 unique natural landscape with large areas of environmentally sensitive habitat.

3 **Environmentally Sensitive Habitat Areas**

4 16. The County's LUP places habitat areas into three categories: H1 habitat,
5 H2 habitat, and H3 habitat. H1 and H2 habitats are collectively described as Sensitive
6 Environmental Resource Areas. H1 and H2 habitats constitute ESHA. H3 habitats are
7 developed or legally disturbed areas that may retain some residual habitat values, but are
8 not considered to be ESHA.

9 17. H1 habitat consists of the most sensitive and geographically constrained
10 habitats including wetlands, riparian corridors, dunes, and streams. H1 habitat also
11 includes populations of plant and animal species listed by the State or Federal
12 government as rare, threatened, or endangered. Approximately 10,223 acres of habitat in
13 the Santa Monica Mountains are designated as H1 habitat.

14 18. H2 habitat consists of areas of high biological significance, rarity, and
15 sensitivity that are important for the ecological vitality and diversity of the Santa Monica
16 Mountains. H2 habitat includes large, contiguous areas of coastal sage scrub and
17 chaparral-dominated habitats. Approximately 39,474 acres of habitat in the Santa
18 Monica Mountains are designated as H2 habitat.

19 19. The H3 habitat designation consists of all other areas within the plan area
20 that are not H1 or H2 habitat. Approximately 6,093 acres of habitat in the Santa Monica
21 Mountains are designated as H3 habitat.

22 **Fire Hazards in the Santa Monica Mountains**

23 20. The Santa Monica Mountains are characterized by a Mediterranean climate
24 where native vegetation, primarily of chaparral and coastal sage scrub, is both drought-
25 and fire-adapted. Chaparral is one of the most volatile fuel types in the world. The
26 Santa Monica Mountains and surrounding communities are considered to be one of the
27 most fire-prone landscapes in North America. The County's LUP includes a map
28

1 entitled "Hazards – Fire and Flood," which designates the entire area as a "Very High
2 Fire Hazard Severity Zone."

3 21. The long, dry summer season in combination with frequent "Santa Ana"
4 winds, dense vegetation that provides fuel for fire, steep canyon and hillside terrain,
5 inappropriate development siting and design, and often inadequate road access combine
6 to provide extreme fire hazards every year.

7 **Coastal Act Provisions Protecting Environmentally Sensitive Habitat Areas**

8 22. One of the primary objectives of the Coastal Act is the preservation,
9 protection, and enhancement of coastal resources, including land and marine habitats.
10 The rare and most ecologically important habitats are protected from development.

11 23. Section 30107.5 of the Coastal Act provides a definition of
12 "environmentally sensitive area":

13 Any area in which plant or animal life or their habitats are either rare or
14 especially valuable because of their special nature or role in an ecosystem
15 and *which could be easily disturbed or degraded by human activities and*
16 *developments.*

17 *(Emphasis added.)*

18 24. Coastal Act Section 30240 provides:

19 Environmentally sensitive habitat areas shall be protected against any
20 significant disruption of habitat values, and only uses dependent on those
21 resources shall be allowed within those areas.

22 25. No use of an ESHA may occur which is not dependent on resources that
23 exist in the ESHA.

24 **The County's Land Use Plan Authorizes Campgrounds Within**
25 **Environmentally Sensitive Habitat Areas**

26 26. In the Conservation and Open Space Element of the LUP, Policies CO-42
27 and CO-93 permit campgrounds within even the most sensitive and geographically
28 constrained habitats. Policy CO-42 provides:

1 Resource-dependent uses are only allowed in H1 and H2 habitats where
2 sited and designed to avoid significant disruption of habitat values,
3 consistent with the policies of the LUP. *Low-impact campgrounds, public
accessways, and trails are considered resource-dependent uses.*

4 *(Emphasis added.)*

5 The LUP defines "low-impact campgrounds" as including support facilities such
6 as picnic areas, potable water, self-contained chemical or composting restrooms, shade
7 trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations.

8 27. Policy CO-93 also permits campgrounds in ESHA:

9 Public accessways, trails, and *low-impact campgrounds shall be an allowed
10 use in H1 and H2 habitat areas.*

11 *(Emphasis added.)*

12 **The Administrative Process For the LUP.**

13 28. During the administrative review process for the County's proposed Local
14 Coastal Program, on February 5, 2014, Preservation Fund provided the County with a
15 comment letter expressing concerns about the siting of campgrounds within ESHA, and
16 included information demonstrating that campgrounds within ESHA would require
17 trenching for water lines and removal of vegetation to create fuel clearance areas, among
18 other objections.

19 29. The County of Los Angeles approved the Local Coastal Program on
20 February 11, 2014 and forwarded it to the Coastal Commission for certification.

21 30. On March 3, 2014, Preservation Fund provided its objections to the
22 Coastal Commission. On April 10, 2014, the Coastal Commission denied approval of
23 the LUP as submitted by the County of Los Angeles, but granted approval of the LUP
24 subject to 60 modifications set forth in the Commission's staff report. Neither the
25 County nor the Commission modified the policies to which the Ramirez Canyon
26 Preservation Fund objected.
27
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1 that could not function at all without the rare or valuable plant or animal life or their
2 habitats in the ESHA.

3 38. The Coastal Act cites “nature study” and “aquaculture” as resource
4 dependent uses. (Pub. Resources Code, § 30233, subd. (a)(7).) Without the plant or
5 animal life, a “nature study” could not be performed and, without access to freshwater or
6 marine resources, aquaculture could not be conducted. The same is not true of
7 campgrounds in ESHA, because campgrounds can exist in non-ESHA areas.

8 39. A Commission staff report claimed that “low-impact campgrounds” “are
9 considered a resource-dependent use because they are specifically designed to expose
10 the public to the resource.” (April 9, 2014 Addendum to California Coastal Commission
11 Item Th17a Staff Report.) The Coastal Act does not define development that exposes
12 the public to a resource as “resource-dependent” use. Under the Commission’s
13 erroneous logic, one could argue that constructing a residence in an ESHA is a resource-
14 dependent use if it is specifically designed to expose the inhabitants of the residence to
15 the resource. However, residences are not a resource dependent use.

16 40. The Coastal Act definition of ESHA confirms that sensitive habitat areas
17 “could be easily disturbed or degraded by human activities and developments.” (Pub.
18 Resources Code, § 30107.5.) Placing “support facilities” – which include potable water,
19 water tanks, self-contained chemical or composting restrooms, shade trees, portable fire
20 suppression apparatus, and fire-proof cooking stations – in ESHA would disturb the rare
21 or valuable plant or animal life or their habitats. Trenching for water lines and
22 vegetation clearance to create fire buffers would also destroy parts of the ESHA.

23 41. Designing campgrounds to place human activities and development within
24 ESHA despite the fact that ESHA can be easily disturbed by human activities and
25 development constitutes a disregard of the Coastal Act mandate to protect this sensitive
26 habitat. Rather than being dependent upon the ESHA, the impacts from the human
27 activities at the campgrounds have the potential to harm or destroy the ESHA.

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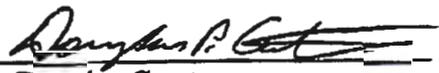
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4. For such other, different, or further relief as the Court may deem just and proper.

DATE: June 4, 2014

Respectfully Submitted,

CHATTEN-BROWN & CARSTENS
LLP

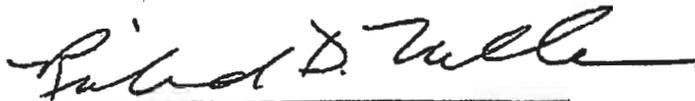
By: 
Douglas Carstens
Josh Chatten-Brown
Attorneys for Petitioner

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VERIFICATION

I, the undersigned, declare that I am President of the Ramirez Canyon Preservation Fund, the Petitioner in this action, and I am authorized to make this verification. I have read the foregoing Petition for Writ of Mandate and know the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of June, 2014 in Malibu, California.



Richard Mullen

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Douglas P. Carstens, SNB 193439 Chatten-Brown & Carstens LLP 2200 Pacific Coast Highway, Ste. 318 Hermosa Beach, CA 90254 TELEPHONE NO: 310-798-2400 FAX NO: 310-798-2402 ATTORNEY FOR (Name): <u>Petitioner/Plaintiff</u>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>Los Angeles</u> STREET ADDRESS: <u>111 North Hill Street</u> MAILING ADDRESS: <u>111 North Hill Street</u> CITY AND ZIP CODE: <u>Los Angeles, CA 90012</u> BRANCH NAME: <u>Central District</u>	
CASE NAME: <u>Ramirez Canyon Preservation Fund v. California Coastal Commission, et</u>	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): two
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 3, 2014

Michelle N. Black

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE:

Ramirez Canyon Preservation Fund v. California Coastal Commiss

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL One HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

Ramirez Canyon Preservation Fund v. California Coastal Commis

CASE NUMBER

	A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6028 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 8.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 8.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

Ramirez Canyon Preservation Fund v. California Coastal Commiss

CASE NUMBER

	A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6162 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6005 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6180 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8.	
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

SHORT TITLE: Ramirez Canyon Preservation Fund v. California Coastal Commission	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input checked="" type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: California Attorney General 300 South Spring Street, Ste. 1700 Los Angeles, CA 90013
CITY: Los Angeles, CA 90012	STATE: CA	ZIP CODE: 90013

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: June 3, 2014


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

received
 FEB 03 2015
 California Coastal Commission
 10th Central Coast District

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Wendy Mitchell

received
FEB 04 2015 B12

- 1) Name or description of project:
Application No. 4-13-001 (MRCA & SMMC)
- 2) Date and time of receipt of communication: Feb. 4, 2015 at 9:30am
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
MRCA & SMMC
- 6) Identity of persons(s) receiving communication:
Wendy Mitchell
- 7) Identity of all person(s) present during the communication:
Susan McCabe, Anne Blemker

California Coastal Commission
South Central Coast District

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I received a briefing from representatives of the Mountains Recreation & Conservation Authority (MRCA) and the Santa Monica Mountains Conservancy (SMMC) regarding their proposal to construct a portion of the Coastal Slope Trail, a pedestrian and equestrian bridge, picnic tables, accessible restrooms, wildlife permeable fencing, accessible campsites, and allow programs for disabled persons and training programs for MRCA and/or SMMC employees at Ramirez Canyon Park in Malibu. The project has been found consistent with the recently certified Santa Monica Mountains LCP. Staff is recommending approval subject to special conditions that address water quality, habitat protection and visual impacts.

Project representatives stated that the applicants are in agreement with the staff recommendation and special conditions and request approval by the Commission.

2/4/15
Date

[Signature]
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM received

Filed by Commissioner: Carole Groom

FEB 05 2015 BR

- 1) Name or description of project:
Application No. 4-13-001 (MRCA & SMMC)
- 2) Date and time of receipt of communication: Feb. 2, 2015 at 2:30pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
MRCA & SMMC
- 6) Identity of persons(s) receiving communication:
Carole Groom
- 7) Identity of all person(s) present during the communication:
Susan McCabe, Anne Blemker

California Coastal Commission
South Central Coast District

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I received a briefing from representatives of the Mountains Recreation & Conservation Authority (MRCA) and the Santa Monica Mountains Conservancy (SMMC) regarding their proposal to construct a portion of the Coastal Slope Trail, a pedestrian and equestrian bridge, picnic tables, accessible restrooms, wildlife permeable fencing, accessible campsites, and allow programs for disabled persons and training programs for MRCA and/or SMMC employees at Ramirez Canyon Park in Malibu. The representatives indicated that the project has been found consistent with the recently certified Santa Monica Mountains LCP and that staff is recommending approval subject to 10 special conditions that address water quality, habitat protection and visual impacts.

Project representatives stated that the applicants are in agreement with the staff recommendation and request approval by the Commission.

Feb 5 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

RECEIVED

FEB 06 2015 BR

California Coastal Commission
South Central Coast District

Item Th20b

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

- 1) Name or description of project: LCP-4-MAL-14-0408-1 (Crummer)
- 2) Date and time of receipt of communication: Feb. 5, 2015 at 2:45pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
Robert Gold, PCH Project Owner, LLC
- 6) Identity of persons(s) receiving communication:
Greg Cox
- 7) Identity of all person(s) present during the communication:
Robert Gold, Steve Kaufmann, Susan McCabe, Greg Murphy

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I received a briefing from representatives of the property owner in which they went through an electronic briefing booklet that was previously provided to staff. They described the proposed LCPA, its history, and the owners' efforts to work with both the City of Malibu and the Coastal Commission over the years. As described, the amendment allows for a new residential 5-lot Planned Development at the vacant Malibu Coast Estate/Crummer Trust property. An analysis by PKF concluded that visitor-serving uses are not viable at the site. As described by the representatives, benefits of the LCPA/Project include:

- \$2M in funding for State Parks to provide increased lower cost overnight accommodations at Topanga State Beach;
- Increased lower cost recreational use, including parking on land to be donated to the City;
- 6 acre conservation easement to MRCA across the southern bluff;
- Clustered, less intense residential development than originally contemplated in the LCP or approved by the Commission in 2010; and
- Consistency with community character and scale

The property owners are in agreement with the staff recommendation and request approval by the Commission.

2/6/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th22b

Filed: 8/18/14
180th Day: 2/14/15
Staff: D. Venegas-V
Staff Report: 1/29/15
Hearing Date: 2/12/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-13-001

Applicant: Santa Monica Mountains Conservancy & Mountains Recreation and Conservation Authority

Agent: Paul Edelman, Santa Monica Mountains Conservancy

Project Location: Ramirez Canyon Park, Malibu, Santa Monica Mountains Los Angeles County (APNs: 4465-003-923, 4465-004-904 & 4465-004-304)

Project Description: Construction of a 5,786 ft. long portion of the Coastal Slope Trail with 140 linear feet of associated stacked rock retaining walls ranging from 2 ft. to 4 ft. in height, a 45 ft. long by 7 ft. wide clear-span pedestrian and equestrian bridge across Ramirez Creek, three picnic tables, a single-stall self-contained accessible restroom with 46 linear feet of associated retaining walls ranging from 2 ft. to 8 ft. in height, new wildlife permeable fencing, two accessible campsites with one single stall self-contained accessible restroom, and 2,178 cu. yds. of grading (1,781 cu. yds. of cut and 397 cu. yds. of fill). The project also includes: 1) two special programs a week for disabled or special needs persons and/or for seniors and 2) training programs for employees of the Santa Monica Mountains Conservancy and/or MRCA, with a maximum of two events per month. The accessible campsites would be closed annually between September 15 through January 15, to avoid the high-fire season.

Staff Recommendation: Staff recommends **approval** of the proposed development with 10 special conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with ten special conditions.

The Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (“MRCA”) propose the construction of multiple public access and recreational improvements including a new 5,786 ft. long portion of the Coastal Slope Trail with 140 linear feet of associated stacked rock retaining walls ranging from 2 ft. to 4 ft. in height, a 45 ft. long by 7 ft. wide clear-span pedestrian and equestrian bridge across Ramirez Creek, three picnic tables, a single-stall self-contained accessible restroom with 46 linear feet of associated retaining walls ranging from 2 ft. to 8 ft. in height, new wildlife permeable fencing, two accessible campsites with one single stall self-contained accessible restroom, and 2,178 cu. yds. of grading (1,781 cu. yds. of cut and 397 cu. yds. of fill). The project also includes: 1) two special programs a week for disabled or special needs persons and/or for seniors and 2) training programs for employees of the Santa Monica Mountains Conservancy and/or MRCA, with a maximum of two events per month. The ADA accessible campsites would be closed annually between September 15 through January 15, to avoid the high-fire season.

The project site is located in the Santa Monica Mountains area of unincorporated Los Angeles County and is located across three contiguous public parkland parcels. Parcel 1 is a 3.9-acre lot located within Ramirez Canyon Park and is owned by the Conservancy and although the majority of Ramirez Canyon Park is located within the City of Malibu, the northern 3.9-acre portion of the park, where the proposed development would occur, is located within unincorporated Los Angeles County. Parcel 2 is a 31.78-acre lot owned by the National Park Service (NPS) and Parcel 3 is a 10.49-acre lot owned by the Mountains Recreation and Conservation Authority. Ramirez Canyon Park is set in the bottom of the deeply incised Ramirez Canyon among existing residential structures now in use as park support facilities. The park is traversed by Ramirez Canyon Creek within the west and southernmost portions of the property, and contains extensive stands of native coastal sage scrub habitat along the canyon slopes.

The land use designations of the subject parcels specifically allow for all development proposed as part of this project including improvements for public recreation, campgrounds, picnic areas, shade structures, restroom facilities, and uses associated with parks and trails. The proposed trail and campsite improvements are located within a sensitive environmental resource area (SERA) consisting of riparian, H1 and H2 habitat. These two categories of habitat are the equivalent of an “environmentally sensitive habitat area” (ESHA) under the Coastal Act and consequently, the Santa Monica Mountains LCP limits development in such areas to only those uses dependent upon the resource, with a few exceptions.

In this case, the proposed trail and campground improvements are considered resource dependent development and therefore are allowed in H1 and H2 habitats where sited and designed to avoid significant disruption on habitat values. Furthermore, the proposed campground improvements are located within an existing disturbed area of the site where an existing wooden fence encircled garden area and lawn area are located. Although, the proposed low-intensity campsites would be partly underneath the riparian canopy of Ramirez Creek, no new significant disturbance to

riparian habitat is expected to occur given that all campsite improvements would be located within existing disturbed areas. Consistent with the provisions of the LCP, which state that H1 and H2 habitat areas that are permanently removed or impacted as a result of approved resource-dependent development shall be mitigated through either on-site or off-site restoration as a condition of approval, the Commission finds that Special Condition Six (6). Special Condition Six (6) is necessary to ensure that adverse effects to the habitat areas, both temporary and permanent, are minimized and the unavoidable adverse impacts to riparian and chaparral H1 and H2 habitats are mitigated at a ratio of 3:1.

Additionally, the applicants submitted Oak Tree Report determined that approximately 3 oak trees will be partially encroached upon their protected zone by the trail and trail bridge. Due to topographical constraints on site and the adjacent location of riparian habitat, it is not possible to reconfigure the trail bridge in a manner that would completely avoid some encroachment. Encroachment by the dirt surface hiking trail is not expected to result in any significant adverse impacts to the oak trees on site; however, the construction of the bridge and related foundation, would result in some unavoidable impacts to one oak tree due to encroachment. LUP Policy CO-99 of the of the LCP requires that new development provide for mitigation of impacted oak trees at a 10:1 ratio if more than 30 percent of the canopy would be encroached upon. In this case, the applicant has determined that the bridge would result in an encroachment of approximately 10-40 percent of the canopy of the oak tree on site. Therefore, in order to mitigate for these unavoidable impacts to oak trees on site, Special Condition Eight (8) requires that at least 10 replacement seedlings shall be planted on the project site, as mitigation for development impacts.

The proposed restroom structures and shade structures will have a maximum height of 12 feet above finished grade. The development has been clustered together and designed to reduce landform alteration and sited to avoid, to the maximum extent feasible, the removal of native vegetation. The proposed development is compatible with the character of other development within the park area. In addition, the development would be partially screened by existing vegetation on site. As such, the proposed development is sited and designed to minimize impacts to visual resources to the extent feasible.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Coastal Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified Local Coastal Program, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified Local Coastal Program.

The standard of review for the proposed development is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP). As conditioned, the proposed project is consistent with all applicable policies of the Santa Monica Mountains LCP.

This application was filed on August 18, 2014. Under the provisions of the Permit Streamlining Act (PSA), the Commission must act on the CDP by February 14, 2015. The hearing is scheduled for February 12, 2015, and thus complies with the PSA deadlines.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2a. Parcel Map #1
- Exhibit 2b. Parcel Map #2
- Exhibit 3. Aerial Photo
- Exhibit 4. Site Photo
- Exhibit 5. Biological Resources Map
- Exhibit 6. Overall Site Plan
- Exhibit 7. Campsite Improvements Site Plan
- Exhibit 8. Grading & Drainage Plans
- Exhibit 9. Trail and Campsite Improvements Cross-Sections
- Exhibit 10. Illustrative Trail Improvements Sections
- Exhibit 11. MRCA CDP Processing Jurisdiction Letter
- Exhibit 12. SMMC CDP Processing Jurisdiction Letter
- Exhibit 13. SMM LCP Certification Fact Sheet
- Exhibit 14. Ramirez Canyon Preservation Fund Comment Letter

LOCAL APPROVALS RECEIVED: N/A

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 4-13-001 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Santa Monica Mountains Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are

no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicants agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicants acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection

with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

- a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.

- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscape plants shall have low water and chemical treatment demands. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the affected area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any necessary changes to the Coastal

Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices Plan, prepared by a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the

disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

C) Erosion Control Measures

1. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
2. The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
3. The plan shall specify that grading shall take place only during the dry season (April 1-October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
4. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
5. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
6. All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed

when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

5. Biological Monitoring

For any construction activities the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, “environmental resources specialist”) to conduct sensitive species surveys (including birds and other terrestrial species) prior to the commencement of construction activities. At least 30 calendar days prior to commencement of any construction activities, the applicants shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. A qualified environmental resources specialist, with experience in conducting bird surveys, shall conduct bird surveys within 30 days prior to construction that will occur during the migratory bird breeding season (February 1st to September 15th) to detect any active bird nests in the vegetation to be removed and any other such habitat within 500 feet of each construction area. The last survey should be conducted 3 days prior to the initiation of clearance/construction. If an active songbird nest is located, clearing/construction within 300 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction within 500 feet shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The project biologist shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to protection of nesting birds.
- B. The environmental resources specialist shall be present during all grading and vegetation removal activities within riparian or oak woodland habitat areas. The qualified biologist shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occurs to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit or a new coastal development permit.

6. Habitat Mitigation and Restoration Plan.

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Habitat Mitigation and Restoration Plan, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all sensitive habitat areas of the project site either temporarily disturbed by grading and construction activities, temporarily impacted by the installation of jute mesh

netting or permanently displaced due to the installation of the proposed coastal slope trail improvements, restroom facilities, or prefabricated metal pedestrian and equestrian bridge. Within 60 days after the completion of construction, the applicant shall commence implementation of the approved habitat restoration and mitigation plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent and location of all plant materials to be removed or planted and shall incorporate the following criteria:

A. Technical Specifications

The Restoration Plan shall provide for the following:

Revegetation for all areas of the project site temporarily disturbed by grading, jute netting, and construction activities. In addition, environmentally sensitive habitat (including chaparral, coastal sage scrub, oak woodland, and riparian habitat areas) that will be permanently impacted by the proposed development shall be restored to provide mitigation at a ratio of 3:1. The mitigation shall be implemented in a suitable location on site to the extent feasible. If it is not feasible for all restoration activities to occur on site, then off-site restoration may occur, subject to the review and approval of the Executive Director, and provided that such restoration area is restricted in perpetuity from development or is public parkland within the coastal zone of the Santa Monica Mountains.

The mitigation area and all habitat restoration/enhancement plantings shall be clearly delineated on a site plan. Only native plant species of local genetic stock shall be planted. All invasive and non-native plant species shall be removed within the revegetation area. The plan shall specify restoration goals and specific performance standards to judge the success of the restoration effort.

The plan shall also provide information on removal methods for exotic species, salvage of existing vegetation, revegetation methods and vegetation maintenance. The plan shall further include details regarding the types, sizes and location of plants to be placed within the mitigation and revegetation areas. Only native plant species which are endemic to the Santa Monica Mountains shall be used, as listed by the California Native Plants Society, Santa Monica Mountains Chapter, in their document entitled "Recommended List of Plants for Landscaping in the Santa Monica Mountains" dated February 5, 1996. All plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized or maintained within the property. Successful site restoration shall be determined if the revegetation of native plant species onsite is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials and methods to be used to meet the approved goals, performance standards, the preferable time of year to carry out restoration activities and a description of the interim supplemental watering requirements that will be necessary.

B. Monitoring Program

A monitoring program shall be implemented to monitor the sensitive habitat restoration/revegetation for compliance with the specified guidelines and performance standards. The applicant shall submit, upon completion of the initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.

Five years from the date of issuance of this coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Habitat Restoration Monitoring Report, prepared by a qualified biologist or Resource Specialist, that certifies the off-site restoration/mitigation and onsite revegetation is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the vegetation and restoration is not in conformance with, or has failed to meet, the performance standards specified in the restoration plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified biologist or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

7. Structural Appearance

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½” x 11” in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

8. Oak Tree Mitigation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting

program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. At least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for development impacts to Oak Tree No. 2, as identified by the Oak Tree Report referenced in the Substantive File Documents.

The applicant shall commence implementation of the approved oak tree replacement planting program concurrently with the commencement of construction on the project site. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. If monitoring indicates the oak trees are not in conformance with or has failed to meet the performance standards specified in the monitoring program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

9. Oak Tree Monitoring

To ensure that all other oak trees located on the subject parcels and along the proposed coastal slope trail road are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees within 50 feet of the proposed protect for the duration of construction operations and mitigated for the encroachment to coast live oaks. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. The permittee shall also follow the oak tree preservation recommendations that are enumerated in the Oak Tree Report referenced in the Substantive File Documents.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during all excavation, foundation construction, framing construction, and grading within 15 feet of any oak tree. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by this Coastal Development Permit. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director to monitor all oak trees that will be encroached upon, to determine if the trees are adversely impacted by the encroachment. An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement

tree locations, planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. Upon submittal of the replacement planting program, the Executive Director shall determine if an amendment to this coastal development permit, or an additional coastal development permit is required.

10. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (“MRCA”) propose the construction of multiple public access and recreational improvements including a new 5,786 foot long portion of the Coastal Slope Trail, with 140 linear feet of associated stacked rock retaining walls ranging from 2 ft. to 4 ft. in height, a 45 ft. long by 7 ft. wide clear span pedestrian and equestrian bridge across Ramirez Creek, three picnic tables, a single-stall, self-contained, Americans with Disabilities Act (ADA) accessible restroom with 46 linear feet of associated retaining walls ranging from 2 ft. to 8 ft. in height, new wildlife permeable fencing, two ADA accessible campsites with one single-stall self-contained accessible restroom, and 2,178 cu. yds. of grading (1,781 cu. yds. of cut and 397 cu. yds. of fill). The project also includes the implementation of special programs twice a week for disabled or special needs persons and/or for seniors and training programs for employees of the Conservancy and/or MRCA, with a maximum of two such training events per month. The ADA accessible campsites would be closed annually from September 15 through January 15, to avoid the high-fire season.

The project site is located in the Santa Monica Mountains area of unincorporated Los Angeles County. Specifically, the project site is located across three contiguous public parkland parcels. Parcel 1 is a 3.9-acre lot identified as APN: 4465-004-904, located at 5750 Ramirez Canyon within Ramirez Canyon Park and is owned by the Santa Monica Mountains Conservancy. Although the majority of Ramirez Canyon Park is located within the City of Malibu, the northern 3.9-acre portion of the park, where the proposed development would occur, is located within unincorporated Los Angeles County. Parcel 2 is a 31.78-acre lot identified as APN: 4465-004-304 and owned by the National Park Service (NPS) and Parcel 3 is a 10.49-acre lot identified as APN: 4465-003-923 and owned by the Mountains Recreation and Conservation Authority. Pursuant to the certified Santa Monica Mountains Local Coastal Program (LCP), Parcel 1 and Parcel 2 land use designation is “O-S-P” Open Space-Parks and Parcel 3 is designated Open

Space “O-S”. These land use designations specifically allow for all development proposed as part of this project including improvements for public recreation, campgrounds, picnic areas, shade structures, restroom facilities, and uses associated with parks and trails. The project site is bounded by Kanan Dume Road to the west and the unincorporated Los Angeles County-City of Malibu jurisdictional boundary and additional areas of Ramirez Canyon Park to the south and southeast (Exhibits 1-3). Topographically, the site includes steep hillsides and gradual inclines along the fire access road. The elevations on the site range from approximately 1,850 to 2,290 feet above mean sea level. The sloping property contains a mix of both native and non-native plantings and trees throughout the entire property.

Access to Ramirez Canyon Park is provided by a gated vehicular access road from Pacific Coast Highway via Ramirez Canyon Road or via West Winding Way and Delaplane Road, and then through a gated entrance at the terminus of Ramirez Canyon Road. Barbara Streisand donated this 22-acre estate (Ramirez Canyon Park) to the Santa Monica Mountains Conservancy in December 1993. The park contains five structures once serving as existing residences on six separate lots. Because Ramirez Canyon Park contains a number of structures, gardens, and designed hardscape on the majority of the property associated with the former ownership, rather than the open natural habitat typically associated with other parks properties, the park serves to provide a range of diverse environmental, cultural, and educational opportunities for both passive and active recreational activities. The more developed nature of the park lends itself well to function as a place for special, pre-arranged activities, events, and functions typically permitted by the State Parks system for the benefit of the community and visitors.

Environmental Setting

Ramirez Canyon Park is set in the bottom of the deeply incised Ramirez Canyon among existing residential structures now in use as park support facilities. Slopes reach heights of nearly 1000 feet and are inclined at overall gradients up to 1.25:1 (horizontal:vertical). The park is traversed by Ramirez Canyon Creek within the west and southernmost portions of the property, and contains extensive stands of native coastal sage scrub habitat along the canyon slopes and northern portion of the property which is adjacent to National Park Service land. Ramirez Canyon Creek is designated as a blue line stream by the United States Geologic Service (USGS) with year-round water which is conveyed to the Pacific Ocean at Paradise Cove. Given the presence of Ramirez Canyon Creek, its associated riparian habitat, and those areas vegetated with native coastal sage scrub habitat outside of the developed areas of the park, the majority of the park property located within the Los Angeles County portion of the park is designated as a Sensitive Environmental Resource Area (H1 and H2) per the Santa Monica Mountains Local Coastal Program and the City of Malibu portion is mapped as an Environmental Sensitive Habitat Area per the City of Malibu Local Coastal Program. The applicants submitted an Oak Tree Report, listed in the Substantive File Documents, depicting the location of oak trees and their protected zones within the vicinity of the proposed project. The Oak Tree Report determined that the proposed development has been sited to avoid any removal of oak trees on site, however approximately 3 oak trees will be partially encroached upon their protected zone by some of the public access and recreational improvements.

The portion of Ramirez Canyon Park where the proposed development would occur contains no existing buildings. The site is currently developed with a lawn area, wooden fence encircled garden area and existing hardened flat decomposed granite and brick pathways that were constructed prior to the effective date of the Coastal Act of 1976. The site is also developed with

an unpermitted wastewater treatment system, unpermitted leach fields, unpermitted terraced orchard, and unpermitted retaining walls within Ramirez Creek which were constructed without the required coastal development permit after the effective date of the Coastal Act. With the exception of the wastewater treatment system, all unpermitted development was constructed by the previous property owner. The above listed unpermitted development on the subject property is not currently being addressed in this subject application. The Commission's Enforcement Division will consider appropriate enforcement options to resolve the remaining issues with unpermitted development remaining after the Commission's action on this item. Outside of the existing disturbed areas on site, the 3.9-acre parcel supports high quality riparian woodland, oak woodland, chaparral, and coastal sage scrub vegetation. The subject parcel owned by NPS contains undisturbed chaparral and coastal sage scrub vegetation and the remaining project parcel owned by MRCA also contain undisturbed chaparral; and coastal sage scrub vegetation, except for a pre-existing dirt road constructed by the Los Angeles County Department of Public Works which is devoid of any native vegetation.

Proposed Project Components

The project will consist of the following elements:

Proposed Coastal Slope Trail and Ramirez Creek Bridge: The Conservancy and MRCA propose to implement a portion of the regionally significant Coastal Slope Trail in Ramirez Canyon. This portion of the Coastal Slope Trail would be generally 3 ft. in width (with some variability to allow for wider passing and turn areas) and start at Kanan Dume Road and traverse eastward over all subject parcels. The proposed section of Coastal Slope Trail construction is just less than a mile in length. The proposed public trail has two beginning points along Kanan Dume Road; the first starting point ("Trail 1A" as shown on Exhibit 10) encompasses an existing Los Angeles County Department of Public Works access road and connects between Kanan Dume Road and to the proposed public use area improvements in Ramirez Canyon Park and is approximately 3,881 feet long. The second starting point from Kanan Dume Road ("Kanan Spur Trail" as shown on Exhibit 10) provides a more direct access along Kanan Dume Road. The Kanan Spur Trail would be approximately 870 feet long and trail users would park in large, existing graded dirt turnouts located on the subject parcel owned by MRCA adjacent to Kanan Dume Road. Park rules and park/trail name signs would be installed at the trail entrance on MRCA subject property. The trail would switchback down the slope descending from Kanan Dume Road through chaparral habitat on MRCA property, then NPS property, and land in Ramirez Canyon Park. A clear-span metal prefabricated pedestrian and equestrian bridge (approximately 45 ft. long by 7 ft. wide) is proposed to cross Ramirez Creek. The bridge design avoids the placement of support structures within the streambed or channel. The remaining portion of the trail ("Trail 2A3" as shown on Exhibit 10) from the public use area of Ramirez Canyon Park eastward to the City of Malibu boundary is approximately 1,035 feet long. In addition, another section of trail would extend over the ridgeline into Escondido Canyon Park within the City of Malibu limits; thus, this section of trail is not part of this application and a separate coastal development permit from the City of Malibu would be necessary for that component of the project.

Proposed ADA Accessible Campground and Associated Improvements: The Coastal Slope Trail to Ramirez Canyon will connect to the above-described lawn area where the two new low impact public campsites and picnic area would be located. In addition, the proposed development includes the placement of two picnic tables on the pre-existing lawn area and the construction of a single-stall self-contained accessible restroom (Restroom B) with a 1,000-gallon holding tank.

New wood post and rail fencing (wildlife permeable) across the lawn would form a defined trail day use area. Two adjacent accessible low impact campsites are proposed in an area currently occupied by an existing wood fence-encircled garden area. The campsites would be constructed using a permeable decomposed granite surface and would include an adjacent shade structure to provide reasonable accommodations for people of all abilities. Native trees would be planted in this overnight use area. The campground would be served by a new ADA-accessible single-stall self-contained restroom (Restroom A) with a 1,000-gallon underground holding tank. All of the proposed new facilities (including the bridge over Ramirez Creek) with the exception of the Coastal Slope Trail will be fully interconnected by accessible public paths.

An existing hardened, flat decomposed granite area between the proposed campsites and proposed Restroom A, which was constructed prior to the effective date of the Coastal Act, would serve as an ADA drop-off and parking for the two campsites. Two standard sized vehicles can be accommodated within this area. Access to the campsite parking would be through the driveway system in Ramirez Canyon Park via Ramirez Canyon Road and Pacific Coast Highway. Ramirez Canyon Park is currently gated and accessible only by appointment. The campsites would be available for public use by reservation only and would be available on a first-come, first serve basis. The maximum number of campers per site is eight. An MRCA employee would be present overnight in Ramirez Canyon Park on any night that camping occurred. Only campers with proven ADA parking needs would be allowed to park their vehicles overnight on site or be able to bring gear in by vehicle. Campers without such proven need would need to hike in and out for all access and gear delivery. The one exception would be for groups accompanied by an overnight MRCA staff person to be present in the campground vicinity at all times. No camp or cooking fires would be allowed in the campground. The park would be closed for public use during “Red-Flag” (high fire-hazard) days, flash flood/flood warnings, and urban/small stream advisories. Additionally, the campground would be closed from September 15 through January 15, during the high fire season.

Additional Proposed Uses: The project includes the following additional uses within Ramirez Canyon Park: 1) two special programs a week to provide public access and recreational opportunities for disabled or special needs person and/or seniors, provided that transportation is provided by vans and/or mini-coaches with a 20-passenger capacity (or smaller) and there is a maximum of 40 attendees per event, plus staff; and 2) training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park.

Coastal Development Permit Jurisdiction

The Los Angeles County Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910(F) of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicants, remain with the Coastal Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP. Specifically Section 22.44.910(F), in relevant part states: “Any proposed development within the certified area which a complete application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review...Alternatively, the applicant may

withdraw the application filed with the Coastal Commission and resubmit it to the County through an application pursuant to the requirements of the certified LCP.”

Commission staff received a letter from the Ramirez Canyon Preservation Fund dated November 24, 2014(Exhibit 14), requesting that the Commission transfer Coastal Development Permit Application (CDP) No. 4-13-001 (subject of this staff report) to the County of Los Angeles for processing. The letter states that since the Commission has certified the County of Los Angeles Santa Monica Mountains Local Coastal Program on October 10, 2014, the Commission no longer has jurisdiction over CDP No. 4-13-001 and therefore must be issued by the County of Los Angeles. Commission staff, in keeping with a long-standing interpretation of Public Resources Code Section 30519, does not agree that the Commission no longer has jurisdiction over this coastal development permit application, because a reasonable interpretation of the statute allows for a transition period whereby the Commission, with the applicant’s consent, retains jurisdiction over applications deemed complete by the date of effective certification.

Section 30519 of the Coastal Act provides that following effective certification of a Local Coastal Program, the local government, and not the Commission (with an exception for appeals not applicable here), shall have jurisdiction “over any *new development proposed* within the area to which the certified local coastal program...applies” (emphasis added). The Commission has consistently interpreted “new development proposed” to refer to developments proposed in a complete CDP application *after* the effective certification of the LCP. This reasonable interpretation of the statutory language serves to streamline the administrative process, by preventing the situation where an applicant has invested considerable time and resources in completing a CDP application, only to have to start over completely, because of circumstances beyond its control, with a local government when a LCP becomes effectively certified. This interpretation also finds support in the Commission’s regulations at 14 Cal. Code Regs. Section 13546. Section 13546 allows applicants who have received local governmental approvals related to a permit application pending before the Commission at the time of LCP certification the option of either returning to the local government for review of the CDP, or continuing the application process with the Commission.

Since the applicants are state agencies, the applicants did not need local government approvals related to the CDP application, as envisioned in the preface to Section 13546. The Commission finds the principles underlying Section 13546 to apply here, thus applies to the current application and provides an additional source of authority, consistent with the statutory language, allowing the applicant the option of proceeding with the CDP application before the Commission. However, even if Section 13546 does not apply, the Commission has authority under Section 30519 of the Coastal Act to review the CDP application, since the CDP application was not “new development proposed” after the effective certification date, but rather, was proposed, in a completed CDP application, prior to the effective certification date.

Consistent with this longstanding statutory interpretation, the Commission prepared a “fact sheet” regarding certification of the Santa Monica Mountains LCP (see Exhibit 13) which gives applicants whose CDP applications were completed prior to effective certification the option of either beginning the CDP application process anew with the County of Los Angeles, or continuing the completed CDP application to hearing with the Commission. In this case, the South Central Coastal District found the CDP application complete on August 18, 2014, prior to the LCP effective certification on October 8, 2014. The applicants exercised its right to proceed

to the Commission with the completed application (see Exhibits 11 & 12), rather than starting from scratch with an application to the County of Los Angeles. Thus, the Commission has jurisdiction to review the CDP application.

B. PAST COMMISSION ACTION

On April 12, 2000, the Coastal Commission “Commission” approved Coastal Development Permit No. 4-98-334, permitting the Conservancy and MRCA to establish and conduct various administrative uses, programs, and events at Ramirez Canyon Park; which at the time, prior to certification of the City of Malibu Local Coastal Program, was zoned and designated for rural residential use per the City of Malibu zoning code and General Plan. Furthermore, the portion of the park located within Los Angeles County, prior to certification of the Santa Monica Mountains Local Coastal Program was designated Rural Land III (1 unit/2 acres) and Mountain Land (1unit/20 acres), and was zoned A-1-1, Light Agriculture. Because the City of Malibu and the County of Los Angeles did not have certified LCPs at the time of Commission decision, the standard of review for the proposed project was the Coastal Act. The Commission found that the uses proposed by the Conservancy and MRCA for the park were consistent with all applicable policies of the Coastal Act subject to a number of special conditions of the permit, all of which were complied with, and the permit was issued by the Commission on February 5, 2001.

The approved coastal development permit provided a detailed project description for improvements, programs, and limitations for use of Ramirez Canyon Park including the following project components:

“Convert 5 existing single family residences (on 6 lots) to use for offices and appurtenant facilities for up to 14 staff and 2 maintenance workers, and use one of the residences to house a ranger and family; install two water tanks to supply a backup water source for firefighting; provide on-site parking in a variety of locations; permanently abandon specified existing septic system components; install new wastewater treatment facility, including treated effluent discharge plan; continuously maintain a minimum of three portable toilets on site for use by all groups of more than 40 participants and by participants in public outreach activities; conduct special events for groups of up to 200 guests (subject to a variety of daily, monthly, and seasonal restrictions), and small groups gatherings (such as workshops, meetings, and retreats) and tours, for groups of up to 40 participants, and satellite parking locations to serve van shuttles to the site; install and/or improve on-site trails and picnic facilities; conduct recreational and interpretive programs for physically-challenged park visitors; perform structural reinforcements to existing wooden bridge on Ramirez Canyon Road, perform fuel modifications on site and along Ramirez Canyon Road, and undertake specified improvements to on site driveways and turnout areas for emergency vehicle access, all in accordance with the recommendations and requirements of state and county fire and life safety reviewers.

Although the permit was issued by the Commission on February 5, 2001, and the proposed and required improvements and programs were implemented, the City of Malibu filed suit against the Conservancy in November 1999 during the review process, alleging that the Conservancy was holding commercial events at its Ramirez Canyon property in violation of the Coastal Act. In addition, in May 2000, the City of Malibu and Ramirez Canyon Preservation Fund filed suit for a writ of mandate, challenging the Commission’s April 12, 2000 decision to approve Coastal

Development Permit No. 4-98-334. Ultimately, on February 4, 2005, the Ventura County Superior Court granted the writ of mandate, ruling that at the time the Commission approved Coastal Development Permit No. 4-98-334, the Conservancy was subject to local land use regulation, and that the Conservancy should have sought approval from the City of Malibu before applying to the Coastal Commission. The Conservancy filed an appeal on November 23, 2005, but subsequently abandoned the appeal on April 10, 2006, in order to pursue an expanded public access program beyond the scope of the original Coastal Commission application for Ramirez Canyon alone.

Lastly, the currently proposed coastal slope trail, pedestrian and equestrian bridge over Ramirez Creek, picnic area, public programs, and one of the two proposed restrooms were included in the Conservancy's and MRCA 2010 Final Environmental Impact Report (FEIR) for the Malibu Parks Public Access Enhancement Plan-Public Works Plan (PWP). This PWP, which covered five parks, including Ramirez Canyon Park, was initially approved by the Commission in June 2009 pursuant to City of Malibu Local Coastal Program Amendment 1-08, however was later overturned by legal action and this PWP remains uncertified.

C. HAZARDS AND GEOLOGIC STABILITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following development policies related to hazards that are applicable to the proposed development:

Policy SN-1 states:

All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

Policy SN-11 states:

New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Policy SN-12 states:

Site, design and size all new development to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level.

Policy SN-15 states:

Require protection of drainage courses in their natural state, and development designs that maintain natural flow.

Policy SN-16 states:

New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

Policy SN-17 states:

New development shall not increase peak stormwater flows.

Policy SN-20 states:

Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.

Policy SN-21 states:

Design and site new development in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.

Policy SN-24 states:

Structures shall be constricted with appropriate features and building materials, including but not limited to: fire-resistant exterior material, windows and roofing; and eaves and vents that resist the intrusion of flame and burning embers.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.2102 “Development Standards,” in relevant part, states:

A. All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.

...

D. All recommendations of the consulting licensed professional and/or the County geotechnical staff shall be incorporated into all final design and construction...

...

G. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a qualified licensed professional that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with the LID requirements of this LIP.

...

K. As a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of the Coastal Development Permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any

liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

L. As a condition of approval of new development within or adjacent to an area subject to high wildfire hazards, prior to issuance of the Coastal Development Permit, the property owner shall be required to submit a signed document which shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

The proposed development is located in the Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Specifically, the subject site is located at the end of Ramirez Canyon Road in a relatively steep canyon, from which no alternative exit rout exists. Therefore, to address these hazards, the County's certified Santa Monica Mountains LCP includes a number of policies and provisions related to hazards and geologic stability. Policies SN-1, SN-11, SN-12 and SN-20 require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. Policies SN-16, SN-15 and SN-17 require that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams and new development shall not increase peak stormwater flows.

The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, and pursuant to LIP Section 22.44.2102 (D), the Commission requires the applicants to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction. Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. Pursuant to LIP Section 22.44.2102(G), the Commission requires the applicants to submit drainage and interim erosion control plans certified by the geotechnical engineer. Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

As described above, the conditions in the Santa Monica Mountains pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. The policies of the LUP address measures that will ensure that new development will minimize risks from fire hazard. These measures generally include: siting development in topographic areas that are less in

danger from fire; siting development where adequate access for fire and other emergency vehicles can be provided; designing development to incorporate fire-safe features and materials; providing adequate water supplies for firefighting; and creating defensible space around new development through fuel modification. Additionally, consistent with Policy SN-33, new development has been sited in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.

Although the conditions described above render the project sufficiently stable to satisfy the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. Pursuant to LIP Section 22.44.2102 (D), if the applicants nevertheless choose to proceed with the project, the Commission requires the applicants to assume the liability from these associated risks. Through the assumption of risk condition, the applicants acknowledge the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP and as a response to the risks associated with the project:

- Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with the applicable geologic, fire and flood hazard policies and provisions of the Santa Monica Mountains LCP.

D. WATER QUALITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of water quality:

Policy CO-2 states, in relevant part:

Site, design, and manage new development and improvements, including: but not limited to: landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume...

Policy CO-3 states, in relevant part:

To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs...

Policy CO-4 states:

Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

Policy CO-10 states:

Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development. Monitor grading projects to ensure that grading conforms to approved plans.

Policy CO-17 states:

Prohibit non-emergency earthmoving operations during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped.

Policy CO-19 states:

Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Use soil stabilization BMPs on disturbed areas.

Policy CO-20 states:

Require that public agencies use the most effective BMPs to protect natural resources at project sites and maintenance yards when the maintenance and modification of public infrastructure involves the removal of vegetation and/or earth.

Policy CO-21, in relevant part, states:

Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts...

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.1340 "Water Resources," in relevant part, states:

A. Stream/Drainage course protection.

1. New development shall provide a buffer of at least 100 feet in width from the outer edge of the canopy of riparian vegetation associated with a stream/drainage course. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.
 - a. In no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100-foot buffer in one of the following circumstances: ... (4) resource dependent uses consistent with subsection M of Section 22.44.1920.

...

- E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales). When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be required, in addition to site design and source control measures. The design of BMPs shall be guided by the current edition of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development, and specific to a climate similar to the Santa Monica Mountains.

...

- H. Construction Runoff and Pollution Control Plan (CRPCP) is required for all development projects that involve on-site construction to address the control of construction-phase erosion, sedimentation, and polluted runoff. This plan shall specify the temporary BMPs that will be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials.

...

- I. A Post-Construction Runoff Plan (PCRP) is required for all development that involves on-site construction or changes in land use (e.g., subdivisions of land) if the development has the potential to degrade water quality or increase runoff rates and volume, flow rate, timing, or duration.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems. LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. To reduce runoff and erosion and provide long-term, post construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize polluted runoff. New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site,

where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4).

Ramirez Creek, designated as a blue-line stream drainage on the U.S Geological Survey runs through the project site. Consistent with LIP Section 22.44.1340(A)(1), all proposed non-resource dependent improvements are located a minimum of 100 feet from the outer edge of the canopy of riparian vegetation associated with a drainage course and only resource dependent uses are located less than 100 feet from the drainage course. The proposed restroom structures and trail retaining walls will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the LUP Policy CO-3 and LIP Section 22.44.1340, require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping. Thus, the Commission requires the applicants to implement permanent drainage facilities, as detailed in Special Condition Three (3). The Commission also required Special Condition Four (4), for the submittal of an interim erosion control plan and construction responsibilities which incorporates BMPs during the construction and post-development stages of the project.

Policy CO-17 requires that non-emergency earthmoving operations are prohibited during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped. Natural vegetation buffer areas that protect riparian habitats shall be maintained. Consistent with Polices CO-10 and CO-19, the proposed project limits grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to allow for access and minimizes the land disturbance activities of construction in erosion areas to avoid detrimental water quality impacts caused by increased erosion or sedimentation.

In addition, to ensure that excess excavated materials are moved off site so as not to contribute to unnecessary landform alteration and to minimize potential erosion and sedimentation, the Commission finds it necessary to require the applicants to dispose of the material at an appropriate disposal site or to a site that has been approved to accept the material, as specified in Special Condition Ten (10).

The following special conditions are required, as determined in the findings above, to assure the project's consistency with water quality policies of the Santa Monica Mountains LCP:

- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
- Special Condition 10: Removal of Excavated Materials

Therefore, the Commission finds that the proposed project, as conditioned, consistent with the applicable water quality policies and provisions of the Santa Monica Mountains LCP.

E. SENSITIVE ENVIRONMENTAL RESOURCE AREAS

The Santa Monica Mountains Local Coastal Program (LCP) provides for the protection and enhancement of sensitive environmental resource areas (SERAs):

Policy CO-33 states, in relevant part:

Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.

- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat...
- 2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat...

Policy CO-34 states:

H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral dominated habitats. This category includes lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of nonnative trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated

and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. While H3 habitat does not constitute a SERA, these habitats provide important biological functions that warrant specific development standards for the siting and design of new development.

Policy CO-35 states, in relevant part:

The areas occupied by existing, legally-established structures, agricultural uses (including equestrian uses), access roads and driveways and confined animal facilities do not constitute H1 or H2 habitat areas. Additionally, the fuel modification areas required by the Los Angeles County Fire Department for existing, lawfully-established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats (e.g., removal of deadwood)...

Policy CO-36 states, in relevant part:

SERA habitat (H1 and H2) and H3 habitat categories are depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP (“Biological Resources Map”). The precise boundaries of these habitat categories shall be determined on a site-specific basis, based on substantial evidence and a site-specific biological surveys inventory and/or assessment required by the LCP when a development proposal is submitted.

Policy CO-37 states, in relevant part:

The habitat categories as depicted on the Biological Resources Map may be adjusted based upon substantial biological evidence and independent review by the County Biologist and ERB as set forth in this Element. Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category. Where the County finds that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map, the County shall make findings as part of the CDP regarding the physical extent of the habitat categories and detailed justification for any classification or reclassification of habitat categories at the project site based on substantial evidence...

Policy CO-42 states:

Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP. Low-impact campgrounds, public accessways, and trails are considered resource dependent uses. Resource-dependent uses shall be sited to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, utilizing established trail corridors, following natural contours to minimize grading, and limited fencing shall be implemented as necessary to protect H1 and H2 habitat. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

Policy CO-43 states:

New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, to protect these sensitive environmental resource areas from disruption of habitat values. H2 High Scrutiny Habitat is considered a rare and sensitive H2 Habitat subcategory that should be given protection priority over other H2 habitat and should be avoided to the maximum extent feasible. Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated.

Policy CO-44 states:

New development shall be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless otherwise provided in Policy CO-41.

Policy CO-45 states:

Emphasize the protection of habitat:

- a) Preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors.
- b) Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.

Policy CO-49 states:

Require development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition.

Policy CO-55 states, in relevant part:

New development adjacent to H1 habitat shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the H1 habitat areas they are designed to protect. New development shall provide a buffer of no less than 100 feet from H1 habitat. Variances or modifications to the required H1 habitat buffer widths shall not be granted, except for a permitted use included in Policy CO-56. For streams and riparian habitat, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For woodland habitat, the buffer shall be measured from the outer edge of the woodland tree canopy. For coastal bluff habitat, the buffer shall be measured from the bluff edge...

Policy CO-70 states, in relevant part:

A site-specific Biological Inventory shall accompany each application for all new development. A detailed Biological Assessment report shall be required in applications for new development located in, or within 200 feet of, H1, H2, or H2 “High Scrutiny” habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat...

Policy CO-74 states, in relevant part:

New development shall be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources...

Policy CO-81 states:

Fencing of walls shall be prohibited within riparian, bluff, or dune habitat, except where necessary for public safety or habitat protection or restoration.

Policy CO-93, in relevant part, states:

Public accessways, trails, and low-impact campgrounds shall be an allowed use in H1 and H2 habitat areas...inland public trails and low-impact campgrounds shall be located, designed, and maintained to avoid or minimize impacts to H1 and H2 habitat areas and other coastal resources by utilizing established trail corridors, following natural contours to minimize grading, and avoiding naturally- vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff.

Policy CO-99 states, in relevant part:

New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter,

or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory use or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program:

Table 1. Native Tree Mitigation

Impact	Mitigation Ratio (no. of replacement trees required for every 1 tree impacted/removed)
Removal	10:1
> 30% encroachment into protected zone	10:1
Encroachment that extends within 3 ft. of tree trunk	10:1
Trimming branch with over 11 in. diameter without encroachment within 3 ft. of tree trunk	5:1
10-30% encroachment into protected zone without encroachment within 3 ft. of tree trunk	5:1
< 10% encroachment into protected zone and without encroachment within 3 ft. of tree trunk	None. Monitoring required.

Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.

Policy CO-100 states:

New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures:

- a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.
- b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.
- c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

Policy CO-101 states:

Any CDP for development that includes impacts to H1, H2 “High Scrutiny” or H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan that, at a minimum, includes all of the following:

- a. A detailed restoration or enhancement plan. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries, topography, existing habitat types, species, size, and location of all native plant materials to be planted. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover appropriate for the type of habitat impacted. The restoration plan shall include an evaluation of existing habitat quality, statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions; and
- b. The habitat restoration/enhancement plan shall specify that habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the restoration. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remedial activities other than exotic species control. At the County’s discretion, final performance monitoring will be conducted by an independent monitor or County staff with the appropriate classification, supervised by the staff biologist and paid for by

the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative restoration.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case.

Section 22.44.1810(A) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

A. The habitat categories are as follows:

1. H1 Habitat – This category consists of habitats of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dunes, wetland, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types...Native grassland and scrub vegetation are those areas characterized by native grasses and native shrubs. Areas where native grasses are associated with trees or large shrubs (e.g., Toyon) are typically not considered native grasslands. An important exception is where native grasses are associated with coast live or valley oak which is indicative of oak savannah habitat. Native grassland often supports numerous native forbs and some areas of native grassland will include a large percent of non-native annual grasses. Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including, but not limited to, sycamore, coast live oak, black walnut, white alder, Fremont cottonwood, black cottonwood, mulefat, arroyo willow, red willow, blackberry, mugwort, and Mexican elderberry... Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. Rock outcrops comprised of either volcanic or sedimentary/sandstone rocks are frequently associated with a unique community of rare annual plants and lichens and are therefore H1 habitat. Areas where components of H1 are found in urbanized or otherwise disturbed areas, such as oak trees within or adjacent to developed parcels, will be protected where feasible, as set forth in this LIP.
2. H2 Habitat – This category consists of habitats of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. Connectivity among habitats within an ecosystem and connectivity among ecosystems is important for the preservation of species and ecosystem integrity. Large contiguous blocks of relatively pristine habitat facilitate natural ecosystem patterns, processes and functions such as water filtration, nutrient cycling, predator/prey relationships, plant and animal dispersal and animal migration, habitat and species diversity and abundance, and population and community dynamics (e.g., birth/death rates, food web structure, succession patterns). H2 Habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs such as California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), and black sage (*Salvia apiana*) and chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves such as manzanita (*Arctostaphylos* sp.) and ceanothus (*Ceanothus* sp.)...

3. H2 "High Scrutiny" Habitat – A subcategory of H2 Habitat is H2 "High Scrutiny" Habitat, which comprises extra sensitive H2 Habitat species/habitats that should be given avoidance priority over other H2 habitat. H2 High Scrutiny Habitat also includes areas that support species listed by federal and state government as threatened or endangered, California Native Plant Society (CNPS) "1B" and "2" listed plant species, and California Species of Special Concern...The mapped "H2 High Scrutiny" habitat areas on the Biological Resource Map are intended to notify County staff, the public, and decision- makers of the general areas where there is a high likelihood of these species' occurrence so that more scrutiny can be paid to them with detailed site-specific inventories conducted to determine actual occurrence and extent. However, if the criteria listed above are satisfied in locations not identified on the Biological Resource Map, any such locations will also qualify for this designation.
4. H3 Habitat – This category consists of areas that would otherwise be designated as H2 Habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats. This category includes lawfully developed areas and lawfully disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. These habitat areas provide important biological functions that warrant specific development standards for the siting and design of new development.

...

Section 22.44.1890 of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

Development is prohibited in the following habitats, with the exceptions of the permitted uses listed below:

...

B. Streams.

4. Access road... to a lawfully-permitted use, only where all of the following apply:
 - i. There is no other feasible alternative to provide access to public recreation areas or approved development on a legal parcel;
 - ii. The stream crossing is accomplished by bridging;
 - iii. The bridge columns are located as far outside streambeds and banks as feasible;
 - iv. Shared bridges are used for providing access to multiple development sites;
 - v. Removal or other impacts to riparian vegetation are minimized to the greatest extent feasible; and
 - vi. All feasible mitigation measures have been provided to minimize adverse environmental effects to the stream, riparian habitat, and water quality...

C. H1 Habitat Area

1. Resource-dependent uses in accordance with Section 22.44.1920.M, including the following:

a. Public accessways, trails, including directional signs.

...

e. Low-impact campgrounds, where no significant impacts to H1 habitat resources will occur.

...

D. H1 Habitat Buffer (all lands within 100 feet of H1)

1. Public accessways and trails, including directional signs.

...

5. Low-impact campgrounds.

Section 22.44.1920 (Development Standards) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

...

B. Fencing.

1. Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable...

C. Access roads and trails.

2. Public Accessways, Trails, Campgrounds, and other recreational facilities. Public accessways, trails, and low-impact campgrounds shall be an allowed use in H1 and H2 habitat areas...Inland public trails and low-impact campgrounds shall be located, designed, and maintained to avoid or minimize impacts to H1 or H2 Habitat areas and other coastal resources by utilizing established trail corridors, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff...

K. Native Tree Protection. New development shall be sited and designed to preserve native oak, walnut, sycamore, bay or other native trees, that have at least one trunk measuring six inches or more in diameter...development shall be sited to prevent any encroachments into the protected zone of individual native trees to the maximum extent feasible...adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation...

L. Restoration. Any CDP for development that includes impacts to H1, H2 “High Scrutiny” or H2 Habitat that are required to be reduced through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan...

M. Resource-dependent Uses. Resource-dependent uses are uses that are dependent on SERA’s to function. Resource-dependent uses include: nature observation, research/education, habitat restoration, interpretive signage, and passive recreation, including horseback riding, low-

impact campgrounds, picnic areas, public accessways, and hiking trails, but excluding trails for motor vehicles...

1. Resource-dependent uses are allowed in H1 habitat, H2 habitat, and H3 habitat, including H1 habitat buffer and H1 quiet zone buffer, where sited and designed to avoid significant disruption of habitat values, consistent with the following development standards and all other applicable standards of the LIP.

2. Development Standards.

a. Resources-dependent uses shall be sited and designed to avoid or minimize adverse impacts to H1 and H2 habitat to the maximum extent feasible. The development shall be the minimum design necessary to accommodate the use in order to minimize adverse impacts to H1 and H2 habitat; ...

c. Low-impact campgrounds shall be located, designed, and maintained to avoid or minimize impacts to H1 or H2 Habitat areas and other coastal resources by utilizing established disturbed areas where feasible. Such campgrounds shall be located a minimum of 50 feet from the top bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective of biological resources as determined by the staff biologist or the ERB unless those areas are developed and/or disturbed by historic uses (e.g., recreation). Access to low-impact campgrounds shall be supported by parking areas and designated ADA drop-offs that may be located in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas; ...

e. Habitat areas temporarily disturbed by construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan that is required as a condition of approval...

f. H1 habitat areas that are permanently removed or impacted as a result of approved resource-dependent development shall be mitigated through either on-site or off-site restoration as a condition of approval...

g. H2 habitat areas that are permanently removed or impacted as a result of approved resource-dependent development shall be mitigated through...on-site or off-site restoration...as a condition of approval.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area.

The Santa Monica Mountains LCP requires sensitive environmental resource areas (SERAs) to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are designated as “Environmentally Sensitive Habitat Areas” (ESHA). The equivalent terminology for sensitive habitat areas within the SMM LCP is “Sensitive Environmental Resource Areas” (SERAs). The LUP defines SERAs as “areas containing habitats of the highest biological significance, rarity, and sensitivity”. SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 and Section 22.44.1810(A) of the LIP provide the distinction between the two habitat categories. LUP Policy CO-34 defines H3 habitat, which are areas that would otherwise be designated as H2, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development.

Policy CO-37 and LIP Section 22.44.1830, defines the process for evaluating and designing on-site habitat categories and states “as part of the CDP process, the County shall determine the physical extent of habitats on the project site that meet the definition of any of the habitat categories of Section 22.44.1810, based on a site-specific biological inventory and/or biological assessment, available independent evidence, and review by the department biologist and ERB, as required in Section 22.44. 1830.” Policy CO-70 requires applicants to submit a site specific biological assessment where the project site contains H1 or H2 habitat. Therefore staff has evaluated the on-site habitat categories as part of this CDP based on the biological report provided by the applicant. SERA protection is implemented through policies CO-42, CO-43, CO-44, CO-45, CO-49, CO-55, CO-74, of the Santa Monica Mountains LUP and Sections 22.44.1890 and 22.44.1920 of the Santa Monica Mountains LIP by prohibiting new non-resource dependent development in H1 and H2 habitat and siting development within H3 habitat areas.

The applicants submitted a biological resource report and addendum prepared by Mountains Recreation Conservation Authority, prepared on March 7, 2014 and June 9, 2014, (listed in the Substantive File Documents), which found the following habitats on the project site:

- 1) Kanan Spur Trail: The vegetation within this section of trail is dominated by sage scrub and chaparral vegetation. Key species were: California encelia (*Encelia californica*), ashleaf buckwheat (*Eriogonum cinereum*), bigpod ceanothus (*Ceanothus megacarpus*), and blacksage scrub (*Salvia mellifera*).
- 2) Trail 1A: This section of trail is dominated by sage scrub and chaparral, broad leafed upland tree, bigpod ceanothus, black sage, laurel sumac, western sycamore, coast live oak, poison oak, and riparian bottomland habitats.
- 3) Ramirez Canyon Park Improvement: Campground facilities and restrooms are below native tree canopies that has no native understory.
- 4) Trail 2A3: This section of trail is dominated by sage scrub and chaparral vegetation. Key species were: purple sage (*Salvia leucophylla*), California sagebrush (*Artemisia californica*), and black sage.

The project site is set in the bottom of the deeply incised Ramirez Canyon among existing residential structures now in use as park support facilities. The site is traversed by Ramirez

Canyon Creek, is designated by the USGS as a blueline stream, within the west and southernmost portions of the property, and contains extensive stands of native coastal sage scrub habitat along the canyon. Furthermore, the a portion of the site is currently developed with a flat pad/lawn area, wooden fence encircled garden area and existing hardened flat decomposed granite and brick pathways which were constructed prior to the effective date of the Coastal Act of 1976. Outside of these existing disturbed areas, the site supports high quality riparian woodland, oak woodland, chaparral, and coastal sage scrub vegetation. The proposed coastal slope trail improvements, bridge, picnic tables, restrooms, wildlife permeable fencing, and low-impact campground improvements are located within H1, H1 buffer and H2 habitat areas under Map 2 Biological Resources.

The proposed campground area is located within the existing disturbed area of the site where the wooden fence encircled garden area and lawn area are located. Although, the proposed low-intensity campsites would be partly underneath the riparian canopy of Ramirez Creek, no new significant disturbance to riparian habitat is expected to occur given that all campsite improvements would be located within existing disturbed areas. The proposed project will replace the existing wooden fence encircled garden area with the proposed ADA campgrounds. The proposed trail improvements, free-span pedestrian and equestrian bridge, low-impact campgrounds, self-contained restrooms, and picnic tables are located within H1 and H1 buffer area. Pursuant to LUP Policies CO-42, CO-93 and LIP Section 22.44.1890, the proposed development is considered resource dependent development and; therefore, is allowed in H1 and H2 habitats where sited and designed to avoid significant disruption on habitat values. Specifically Policy CO-93 states that public trails and low-impact campgrounds shall be an allowed use in H1 and H2 habitat areas. Additionally, the proposed wildlife permeable fencing proposed to help provide habitat protection of Ramirez Creek and is consistent with LUP Policy CO-81 and LIP Section 22.44.1920.

LIP Section 22.44.1920.M.2.(c) states that low-impact campgrounds shall be located a minimum of 50 feet from the top bank of all streams or from the outer edge of riparian vegetation, unless those areas are developed and/or disturbed by historic uses (e.g., recreation). In this case, all proposed improvements, with the exception of a portion of the trail, bridge, and low-intensity campsites would be located more than 50 ft. from the outer edge of riparian vegetation. Consistent with the provisions of the LCP, public trails and trail improvements (including the foot bridge) are resource dependent uses allowed within environmentally sensitive habitat areas (H1 and H2). Moreover, the portions of the proposed resource-dependent low-impact ADA campgrounds with associated ADA restrooms that are located less than 50 feet from outer edge of riparian are located entirely within an area previously disturbed by a garden and lawn area that existed prior to effective date of the Coastal Act, consistent with the requirements of LIP Section 22.44.1920.M.2(c).

Additionally, LIP Section 22.44.1920.M.2.(f) and (g) state that H1 and H2 habitat areas that are permanently removed or impacted as a result of approved resource-dependent development shall be mitigated through either on-site or off-site restoration as a condition of approval, consistent with the habitat restoration mitigation requirements of LIP Section 22.44.1950.C, which requires mitigation at a ratio of 3:1 (acres of restored habitat to each area of impacted H1 habitat). Priority shall be given to on-site restoration or enhancement. The proposed resource dependent development will permanently remove H1 and H2 habitat for purposes of trail improvements, and; therefore, in order to ensure consistency with this policy, the Commission requires the

habitat restoration pursuant to Special Condition Six (6). Special Condition Six (6) is necessary to ensure that adverse effects to the habitat areas, both temporary and permanent, are minimized. In order to mitigate for the unavoidable adverse impacts to riparian and chaparral H1 and H2 habitats, Special Condition Six (6) requires the applicant to implement a habitat mitigation and restoration plan for all sensitive habitat areas of the project site that will be either temporarily or permanently disturbed as a result of grading and construction activities. The habitat mitigation and restoration plan requires the applicant to revegetate all temporarily disturbed areas with native vegetation and compensate for permanent onsite impacts with on-site or offsite habitat restoration using a ratio of 3:1 or greater.

Protection of Oak Trees

Portions of the project site are located within oak woodland and near scattered oak trees in the immediate area. In past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading and provide food and habitat, including nesting, roosting, and burrowing, to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. As required by LUP Policy CO-99, as well as LIP Section 22.44.1920.K, the proposed new development can only encroach or remove native oak trees onsite if there are no other feasible alternatives to develop the property. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, stretching as far as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns and excess watering. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. Further, the introduction of development within oak woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe (including death), depending on the location and extent of the encroachments. In order to ensure that oak trees are protected and

avoid impacts to coastal resources and the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees (particularly oak trees) or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

The Oak Tree Report, which listed in the Substantive File Documents, indicated that three coast live oaks trees will be encroached upon from the proposed development. The majority of the encroachments would occur as a result of the construction of the public hiking trail and bridge, although one oak tree would be partially encroached upon by the proposed free-span pedestrian and equestrian bridge. In this case, there are no feasible alternatives to relocate the bridge to avoid such encroachment since it is necessary for the trail to cross the creek. Although it is not always feasible to provide ADA access at all sites due to topography and other site constraints, such access should be provided to the maximum extent feasible where appropriate. In this case, the Conservancy and MRCA have determined that the project site provides a unique opportunity for the provision of such ADA compliant public access and recreational amenities and that the site is appropriate for such uses.

It is also important to note that the originally submitted application included the construction of restroom B encroaching the protected zone of an adjacent oak tree. Commission staff worked closely with the applicants to revise the project to relocate this restroom outside the protected zone of the oak tree to avoid any encroachment. Due to topographical constraints on site and the adjacent location of riparian habitat, it is not possible to reconfigure the free-span pedestrian and equestrian bridge in a manner that would completely avoid some encroachment. Encroachment by the dirt surface hiking trail is not expected to result in any significant adverse impacts to the oak trees on site; however, the construction of the bridge and related foundation, would result in some unavoidable impacts to one oak tree due to encroachment. Policy CO-99 of the of the LCP requires that new development provide for mitigation of impacted oak trees at a 10:1 ratio if more than 30 percent of the canopy would be encroached upon. In this case, the applicant has determined that the bridge would result in an encroachment of approximately 10-40 percent of the canopy of the oak tree on site. Therefore, in order to mitigate for these unavoidable impacts to oak trees on site, Special Condition Eight (8) requires that at least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for development impacts to Oak Tree No. 2, as identified by the Oak Tree Report referenced in the Substantive File Documents. The applicant shall commence implementation of the approved oak tree replacement planting program concurrently with the commencement of construction on the project site. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. If monitoring indicates the oak trees are not in conformance with or has failed to meet the performance standards specified in the monitoring program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

Pursuant to Policies CO-99 and CO-100, Special Condition Eight (8) Oak Tree Mitigation and Special Condition Ten (10) Oak Tree Monitoring, require the applicants to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees within 50 feet of the proposed protect for the duration

of construction operations and mitigated for the encroachment to coast live oaks. Further, to ensure that unintentional adverse impacts to oak trees on site are avoided during construction activities, Special Condition Five (5) further requires that a biological consultant or arborist shall be present on site during all excavation, foundation construction, framing construction, and grading within 15 feet of any oak tree. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by this Coastal Development Permit. Additionally, Special Condition Five (5) requires a qualified biologist to survey the oak trees, and any native tree, for nesting birds or raptors before construction.

The following special conditions are required, as determined in the findings above, to assure the project’s consistency with Section 30240 of the Coastal Act:

- | | |
|-----------------------|-------------------------------|
| Special Condition 5. | Biological Monitoring |
| Special Condition 6. | Habitat Restoration |
| Special Condition 8. | Oak Tree Mitigation |
| Special Condition 9. | Oak Tree Monitoring |
| Special Condition 10. | Removal of Natural Vegetation |

The Commission finds that the proposed project, only as conditioned, will serve to minimize impacts to Sensitive Environmental Resource Areas, and is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to sensitive environmental resource areas.

F. PUBLIC ACCESS AND RECREATION

The Santa Monica Mountains Local Coastal Program contains the following policies and provisions that provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Policy CO-155 states:

The beaches, parklands and trails located within the Coastal Zone provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance, and allowed to migrate when feasible with rising sea level.

Policy CO-156 states:

Encourage a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages, and abilities, including the transit-dependent and the physically challenged.

Policy CO-157 states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Policy CO-159 states:

Lower-cost visitor-serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

Policy CO-160 states:

These public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic value of the area by providing for the collection of litter.

In carrying out the public access policies of this LUP, the County shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Policy CO-164 states:

Encourage opportunities for recreation throughout the Plan area when consistent with environmental values and protection of natural resources.

- a. Park and recreation uses shall be consistent with the visitor carrying capacity of specific areas, taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, protection of natural resources, public safety issues, and neighborhood compatibility.

- b. Regulate use to preserve resource values within natural areas intended for the protection of vegetative, habitat, and scenic resources.
- c. Establish the facilities necessary for information, first aid, orientation, recreation, interpretation, education, and recreation area maintenance and operations, where appropriate. Site and design these facilities to minimize impacts to coastal resources in harmony with the surrounding natural landscape.
- d. At the periphery of areas devoted to recreation, provide sufficient staging and parking areas at trail access points, including space to accommodate horse trailers where needed and appropriate; to ensure adequate access to the trails system, campgrounds, roadside rest, and picnic areas where suitable; to provide visitor information; and to establish day-use facilities, where the facilities are developed and operated in a manner consistent with the policies of the LUP and compatible with surrounding land uses.
- e. Overnight campgrounds, including “low-impact” campgrounds, are permitted uses in parklands and are encouraged within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues. These campgrounds help provide recreational opportunities and low-cost visitor-serving opportunities for visitors. Low-impact campgrounds constitute a resource-dependent use. Access to low-impact campgrounds shall be supported by parking areas and designated ADA drop-offs that may be located in H2 or H3 habitat areas, where it is infeasible to site such facilities in non-habitat areas.
- f. In selected areas where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, where consistent with public safety needs and resource protection policies to provide access opportunities for people with disabilities, and thematically link nature study, education and recreation via specialized public programs and events.

Policy CO-167 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Policy CO-179 states:

Protect and, where possible, enhance recreation and access opportunities at existing public beaches and parks as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees and maximize affordable public access and recreation opportunities to the extent possible. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.

Policy CO-181, in relevant part, states:

Protect and enhance the County's existing and proposed trails as shown on Map 4 Recreation. An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within public parklands as well as those which cross private property.

- a. New development shall be reviewed to determine the most appropriate means to protect trails. Depending on the size, location, impacts, and intensity of the proposed development, one of the following may be imposed: a setback from the trail, a trail easement, or a trail dedication...
- b. New development shall minimize and avoid whenever possible impacts to the use of or views from existing trails.
- ...
- d. Design a trail system to provide linkages between major regional trails and area recreational facilities. Proposed trail locations are not intended to be precise, and the best and most feasible route would be determined as a result of further study during any review of a coastal development permit (see Map 4 Recreation).
- e. Locate trails and trail facilities, including parking areas, in a manner that preserves natural resources, including scenic values, wildlife habitats and corridors, and water quality and that ensures maximum adaptive capacity to address sea level rise.
- f. Prohibit motorized off-road vehicle use on the area trails system; restrict mountain bike use to designated multi-use trails specifically designed and identified for bicycles and where conflict with equestrian and hiking uses would not occur.
- ...
- h. Public accessways and trails are resource-dependent and shall be an allowed use in all habitat categories. Where necessary (determined by consideration of supporting evidence), limited or controlled methods of access and/or mitigation designed to eliminate or minimize impacts to H1 and H2 habitat areas shall be utilized...

Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations...

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case.

Section 22.44.1390(I) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

In addition to all other applicable provisions of the LIP, parks, trails, playgrounds, and beaches shall comply with the following:

- 1. Parks and recreation uses shall be consistent with the visitor carrying capacity of specific areas, taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, protection of biological, scenic, and other resources, public safety issues, and neighborhood compatibility. Facilities necessary for information, first aid, orientation, recreation, interpretation, education,

and recreation area maintenance and operations, shall be sited and designed to minimize impacts to coastal resources in harmony with the surrounding natural landscape.

...

3. Overnight campgrounds, including “low-impact” campgrounds, are permitted uses in parklands and are encouraged with park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed with site constraints and to adequately address public safety issues. These campgrounds help provide recreational opportunities and low-cost visitor-serving opportunities for visitors. Low-impact campgrounds constitute a resource-dependent use. Access to low-impact campground shall be supported by parking areas and designated ADA drop-offs that may be located in H2 or H3 habitat areas, where it is infeasible to site such facilities in non-habitat areas.
4. In selected areas where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, where consistent with public safety needs and resource protection policies to provide access opportunities for people with disabilities, and thematically link nature study, education and recreation via specialized public programs and events.

...

13. Public accessways, trails, and trail facilities, including parking areas, shall be sited in a manner that preserves natural resources, including scenic values, wildlife habitats and corridors, and water quality and that ensures maximum adaptive capacity to address sea level rise. Public accessways and trails are resource dependent and allowed in habitat categories. Where necessary (determined by consideration of supporting evidence), limited or controlled methods of access and/or mitigation designed to eliminate or minimize impacts to H1 and H2 habitat areas shall be utilized.

The Santa Monica Mountains are a rugged and beautiful natural landscape surrounded by a large urban megalopolis. The Santa Monica Mountains are a valuable low cost recreational resources for not only those who live in the region but also for visitors from other areas of the state and nation. Approximately 52 percent of the area within the coastal zone is designated public parkland or open space managed by the County, the National Park Service, the California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and the Mountains Restoration Trust. The parklands are interspersed and fragmented by private properties.

The public parklands in the Santa Monica Mountains provide for a wide variety of primarily passive recreational opportunities including hiking, biking, horseback riding, camping, fishing, picnicking, nature study, surfing, diving, and swimming. There is also an extensive planned network of public trails connecting these parklands. Public access to and along the shoreline including public access on inland trails, and the provision of public recreational opportunities and low cost visitor-serving facilities such as campgrounds, picnic areas, low cost hotels and

other services supporting visitors. The Mountains are particularly well-suited for passive outdoor recreational experiences in a natural setting. The Santa Monica Mountains has an extensive network of public hiking and equestrian trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private lands. These trails also serve as alternative means of access to beach and mountain parklands. The existing Santa Monica Mountains trail system is comprised primarily of regional and local trails operated by public and private agencies within parkland, as well as, trails that extend onto private lands.

The Coastal Slope Trail is a long-envisioned regional trail conceptualized to provide continuous views towards the Pacific Ocean coastline along the Santa Monica Mountains and to provide an alternative route to the California Coastal Trail during high tide. The Coastal Slope Trail currently consists of existing and proposed segments. The trail has also been envisioned as one of the main trunks of the Santa Monica Mountains trail system. The Coastal slope Trail is reference in trail planning documents dating back to at least the mid-1970s. The western terminus for the proposed Coastal Slope Trail alignment would be in the Mugu Lagoon area at the western end of Point Mugu State Park. The eastern terminus would be in Topanga State Park, possibly at either the Topanga Lagoon trailhead area or Los Liones Trailhead.

The proposed project includes the construction of a 5,786 feet long portion of the Coastal Slope Trail, a 45 ft. long by 7 ft. wide clear span pedestrian and equestrian bridge across Ramirez Creek, three picnic tables, single-stall self-contained accessible restroom, new wildlife permeable fencing, two accessible campsites with one single-stall self-contained accessible restroom, and 2,178 cu. yds. of grading (1,781 cu. yds. of cut and 397 cu. yds. of fill).

LUP Policy CO-155 requires that trails located within the Coastal Zone provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, picnicking and coastal access. This policy further requires that these opportunities shall be protected, and where, feasible expanded or enhanced as a resource of regional, State and national importance. LUP Policy CO-156 encourages a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages and abilities including transit dependent and the physically challenged. Policy CO-159 requires that lower-cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible provided. This policy also further requires that priority shall be given to development of visitor serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. LUP Policy CO-167 requires that upland areas necessary to support coastal recreation uses shall be reserved for such uses where feasible. Policy CO-181 requires the protection and enhancement of the existing and proposed planned trails as shown on Map 4-Recreation. Policy CO-181 includes a number of specific measures, provisions and requirements to preserve existing public trails and to secure trail easements across private property consistent with constitutional principles and law. Policy CO-179 requires public beaches and parks to maintain lower-cost user fees and parking fees, and maximize affordable public access and recreation opportunities to the extent feasible.

In this case, the purpose of the proposed project is to provide for new public access and recreational amenities on public lands consistent with the public access provisions of the certified LCP. The proposed project provides for the construction of a critical segment of the Coastal Slope Trail from Kanan Dume Road through Ramirez Canyon Park and eastward

towards Escondido Canyon Park. The project includes improved public amenities, enhance public access opportunities, and provide for visitor-serving recreational facilities. In addition, the proposed project includes the provision of several new public access recreational improvements that will be compliant with the requirements of the Americans with Disabilities Act (ADA). This is particularly significant given that many existing public access facilities and trails in the Santa Monica Mountains are not able to be developed consistent with ADA compliant improvements due to topography and other site constraints. In this case, the Conservancy and MRCA have determined that the project site provides a unique opportunity for the provision of such ADA compliant public access and recreational amenities and that the site is appropriate for such uses. The project encourages a full range of recreation experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages, and abilities.

Thus, the Commission finds that the proposed project, as proposed, is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to public access and recreation.

G. VISUAL RESOURCES

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to minimizing visual resource impacts to scenic areas:

Policy CO-108 states:

Site and design new development to minimize the amount of grading and the alteration of natural landforms.

Policy CO-109 states:

Site and design new development to protect natural features, and minimize removal of natural vegetation.

Policy CO-112 states:

Ensure that development conforms to the natural landform and blends with the natural landscape in site, design, shape, materials, and colors. Building pads on sloping sites shall utilize split-level or stepped-pad designs.

Policy CO-124 states:

The Santa Monica Mountains contain scenic resources of regional and national important. The scenic and visual qualities of these resources shall be protected and, where feasible, enhanced.

Policy CO-126, in relevant part, states:

Maintain and enhance the quality of vistas along identified Scenic Routes. The following roadways are considered Scenic Routes:

- Kanan Dume Road

Policy CO-128 states:

New development shall be subordinate to the character of its setting.

Policy CO-130 states:

Preserve large areas of natural open spaces of high scenic value by siting development in existing developed areas.

Policy CO-131 states:

Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.

Policy CO-133 states:

New development shall be sited and designed to minimize alteration of natural landforms by:

- a. Conforming to the natural topography.
- b. Preventing substantial grading or reconfiguration of the project site.
- c. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split-level or stepped-pad designs.
- d. Requiring that manufactured contours mimic the natural contours.
- e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- f. Minimizing grading permitted outside of the building footprint.
- g. Clustering structures to minimize site disturbance and to minimize development area.
- h. Minimizing height and length of cut and fill slopes.
- i. Minimizing the height and length of retaining walls.
- j. Cut and fill operations may be balanced on site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

Policy CO-135 states:

Preserve topographic features of high scenic value in their natural state, including canyon walls, geological formations, creeks, ridgelines, and waterfalls.

Policy CO-137 states:

Preserve and, where feasible, restore and enhance individual native trees and nature tree communities in areas containing suitable native tree habitat – especially oak, walnut, and sycamore woodlands and savannas- as important elements of the area’s scenic character.

Policy CO-144, in relevant part, states:

New development shall incorporate colors and exterior materials that are compatible with the surrounding landscape...

Policy CO-150 states:

Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area.

The Santa Monica Mountains region is an area of incredible scenic beauty. This is due in large part to the dramatic topography. The Santa Monica Mountains, an east-west trending mountain range, is geologically complex and characterized by generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging from sea level to over 3,000 feet. In addition to the topography, the scenic beauty of the area is inextricably linked to the native vegetation communities that typify the California Mediterranean landscape. Different vegetation communities have different visual textures and colors. South facing drier slopes support low growing coastal sage scrub species, while north facing or wetter slopes support denser chaparral vegetation. The textures of these areas contrast with the taller trees and shrubs growing in the riparian corridors that form linear features along streams and canyons. Dramatic topographic features, native habitats, and the rural and semi-rural character of the mountains make the area’s scenic resources very special for residents and visitors alike. There are a number of local and regional recreation trails and scenic driving routes that meander through the mountains, including two State-designated County Scenic Highways: Mulholland Highway and Malibu Canyon-Las Virgenes Road.

The policies of the LUP provide for the protection of scenic and visual resources, including views of the beach and ocean, views of mountains, canyons, ridgelines, and views of natural habitat areas and unique natural features. Additionally LUP policies require that new development be sited and designed to protect scenic resource areas. Specifically, Policy CO-124 requires protection of the scenic and visual qualities of the Santa Monica Mountains as a resource of regional and national importance. Policy CO-130 requires that large areas of natural open space of high scenic value must be preserved by siting development in existing developed areas. Policy CO-131 requires that new development be sited and designed to minimize adverse impacts on scenic resources to the maximum extent feasible. Policy CO-135 requires the preservation of topographic features of high scenic value in their natural state. Policy CO-144 requires that new development incorporate colors and exterior materials that are compatible with the surrounding landscape. Lastly, Policy CO-149 requires that fences, gates, and walls minimize impacts to public views of scenic areas, and be compatible with the character of the area.

Additionally, the natural hillsides remaining within the area are a significant biological and visual resource, and a key characteristic of the area’s communities. Within the County’s Coastal Zone, all properties with an average slope over 15 percent are considered to be within hillside management areas pursuant to the certified LCP. Policies CO-108 and CO-109 and CO-112

ensure that hillside development takes place only where appropriate. Specifically, Policy CO-112 requires that development conform to the natural landforms and blend with the natural landscape in site, design, shape, materials, and colors. In this case, the proposed structures and improvements would be clearly visible from the proposed public trail and areas of public park land.

The proposed project is compatible with the character of other recreational development in the area. The proposed campground improvements are located within an existing disturbed area and are clustered together to minimize development area. The proposed trail improvements will potentially be visible from Kanan Dume Road, which is designated as a scenic route pursuant to LUP Policy CO-126. However, the proposed trail improvements are minor in nature and will not result in substantial impacts to visual resources from this area. Furthermore, the proposed trail improvements have been sited and designed to follow and mimic the natural contours of the site to reduce amounts of grading and site disturbance. The proposed restrooms and shade structure heights are consistent with the maximum height (30 feet above existing grade) allowed under the Santa Monica Mountains LCP. In addition, the development would be partially screened by existing vegetation on site. As such, the proposed development is sited and designed to minimize impacts to visual resources to the extent feasible. Consistent with LUP Policies CO-112 and CO-144, the Commission requires Special Condition Seven 7, to require the colors proposed for the restroom facilities, retaining walls, and shade structure to be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones.

The following special condition is required to assure the project's consistency with the Santa Monica Mountains LCP:

Special Condition 7: Structural Appearance

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with the applicable visual and scenic resources policies of the Santa Monica Mountains LCP.

H. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes: 1) unpermitted wastewater treatment system, 2) leach fields, 3) terraced orchard, and 4) retaining walls within Ramirez Creek all of which were constructed without the required coastal development permit after the effective date of the Coastal Act. With the exception of the wastewater treatment system, all unpermitted development was constructed by the previous property owner. The above listed unpermitted development on the subject property is not currently being addressed in this subject application. The Commission's Enforcement Division will consider appropriate enforcement options to resolve the remaining issues with unpermitted development remaining after the Commission's action on this item.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies and provisions of the Santa Monica Mountains LCP. Approval of this permit does not constitute a

waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will evaluate further actions to address this matter.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Certified Local Coastal Program. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

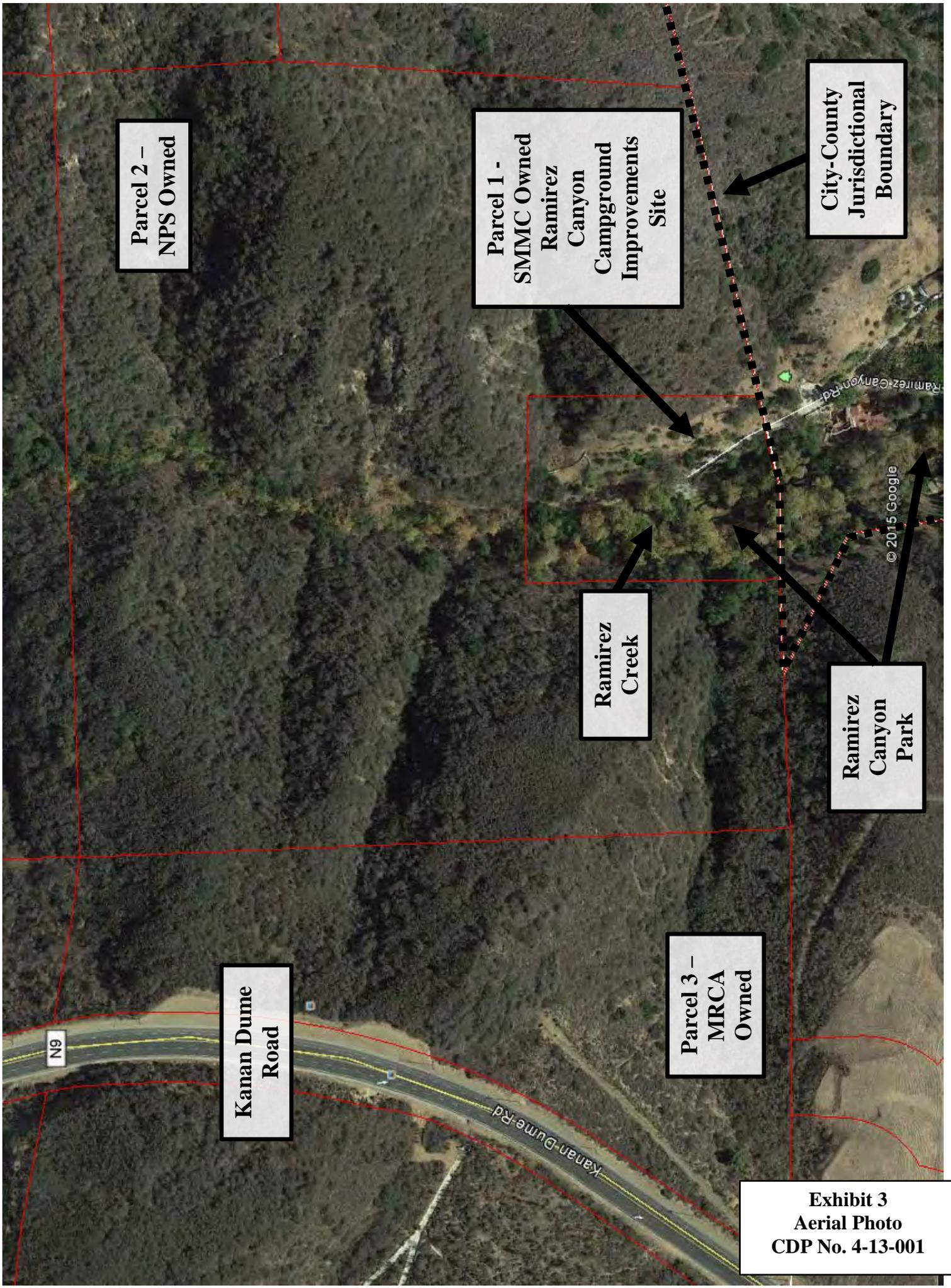
Special Conditions 1 through 10

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Santa Monica Mountains, Local Coastal Program; “Reconnaissance of Engineering Geologic Constraints Proposed Park, Parking and Trail Improvements Ramirez Canyon, Escondido Canyon, Corral Canyon, Along Latigo Canyon Road and at Malibu Bluff State Park,” prepared by Southwestern Engineering Geology, dated September 21, 2009; “Update Reconnaissance of Engineering Geologic Constraints Proposed Park, Parking and Trail Improvements Ramirez Canyon, Escondido Canyon, Corral Canyon, Along Latigo Canyon Road and at Malibu Bluff State Park” prepared by Southwestern Engineering Geology, dated March 25, 2014; “Coastal Slope Trail and Accessible Campgrounds, Ramirez Canyon Biological Resources Report” prepared by Mountains Recreation Conservation Authority, dated March 7, 2014; “Biological Report Addendum” prepared by Mountains Recreation Conservation Authority, dated June 9, 2014; “Coastal Slope Trail and Accessible Campground Ramirez Canyon Oak Tree Report” prepared by Mountains Recreation Conservation Authority, dated March 14, 2014; City of Malibu Local Coastal Program Amendment 1-08; and Coastal Development Permit No. 4-98-334.



**Parcel 2 -
NPS Owned**

**Parcel 1 -
SMMC Owned
Ramirez
Canyon
Campground
Improvements
Site**

**City-County
Jurisdictional
Boundary**



**Ramirez
Creek**

**Ramirez
Canyon
Park**

**Parcel 3 -
MRCA
Owned**

**Kanan Dume
Road**

**Exhibit 3
Aerial Photo
CDP No. 4-13-001**

**Parcel 1 –
Ramirez
Canyon
Park**



**Proposed
Pedestrian &
Equestrian Free-
Span Bridge**



**Proposed
Restroom B**



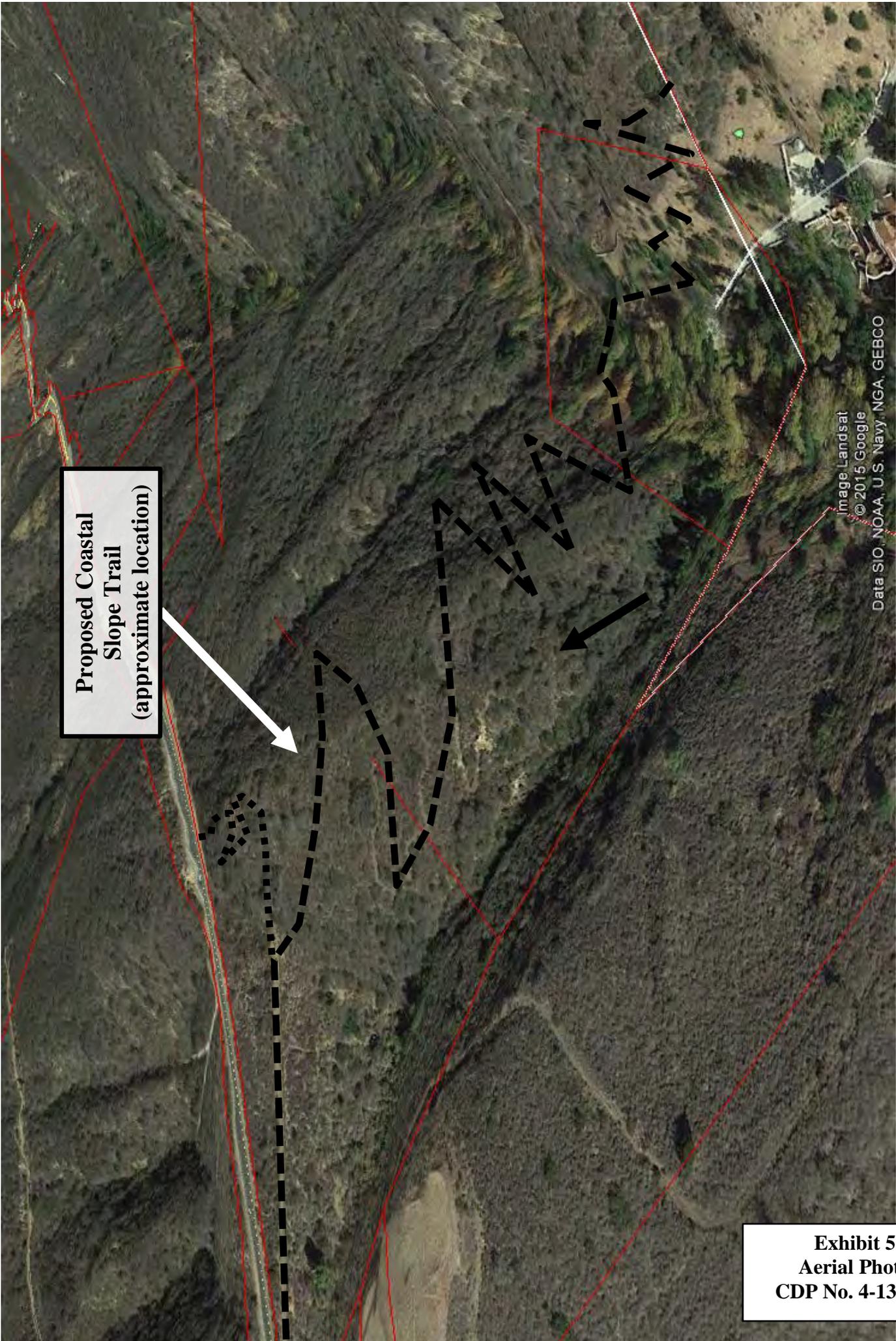
**Ramirez
Creek**



**Proposed
Campsites &
Restroom A
Location**



**Exhibit 4
Site Photo
CDP No. 4-13-001**

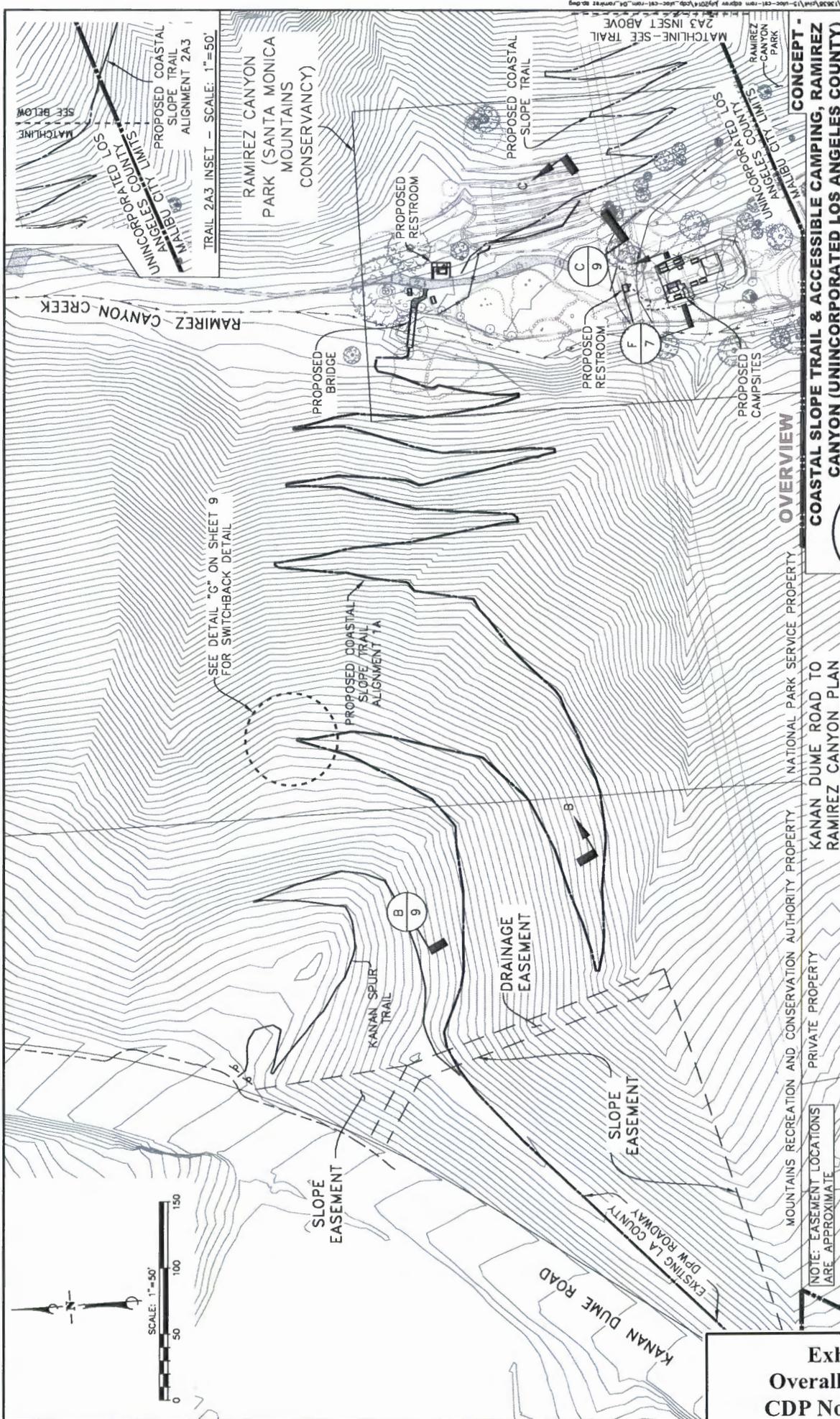


**Proposed Coastal
Slope Trail
(approximate location)**

Image Landsat
© 2015 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

**Exhibit 5
Aerial Photo
CDP No. 4-13-001**

- Kanan Spur Trail
- Trail 1A
- Trail 2A3



**CONCEPT -
OVERVIEW**
COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ
CANYON (UNINCORPORATED LOS ANGELES COUNTY)

SITE PLAN OVERVIEW
RAMIREZ CANYON AND KANAN DUME ROAD
SANTA MONICA MOUNTAINS CONSERVANCY
SHERBORN, CALIFORNIA

PROJECT NO. 15030305
SHEET 4.0 OF 11
PLAN DATE JULY 18, 2014

OVERVIEW
KANAN DUME ROAD TO
RAMIREZ CANYON PLAN

NATIONAL PARK SERVICE PROPERTY
MOUNTAINS RECREATION AND CONSERVATION AUTHORITY PROPERTY
PRIVATE PROPERTY

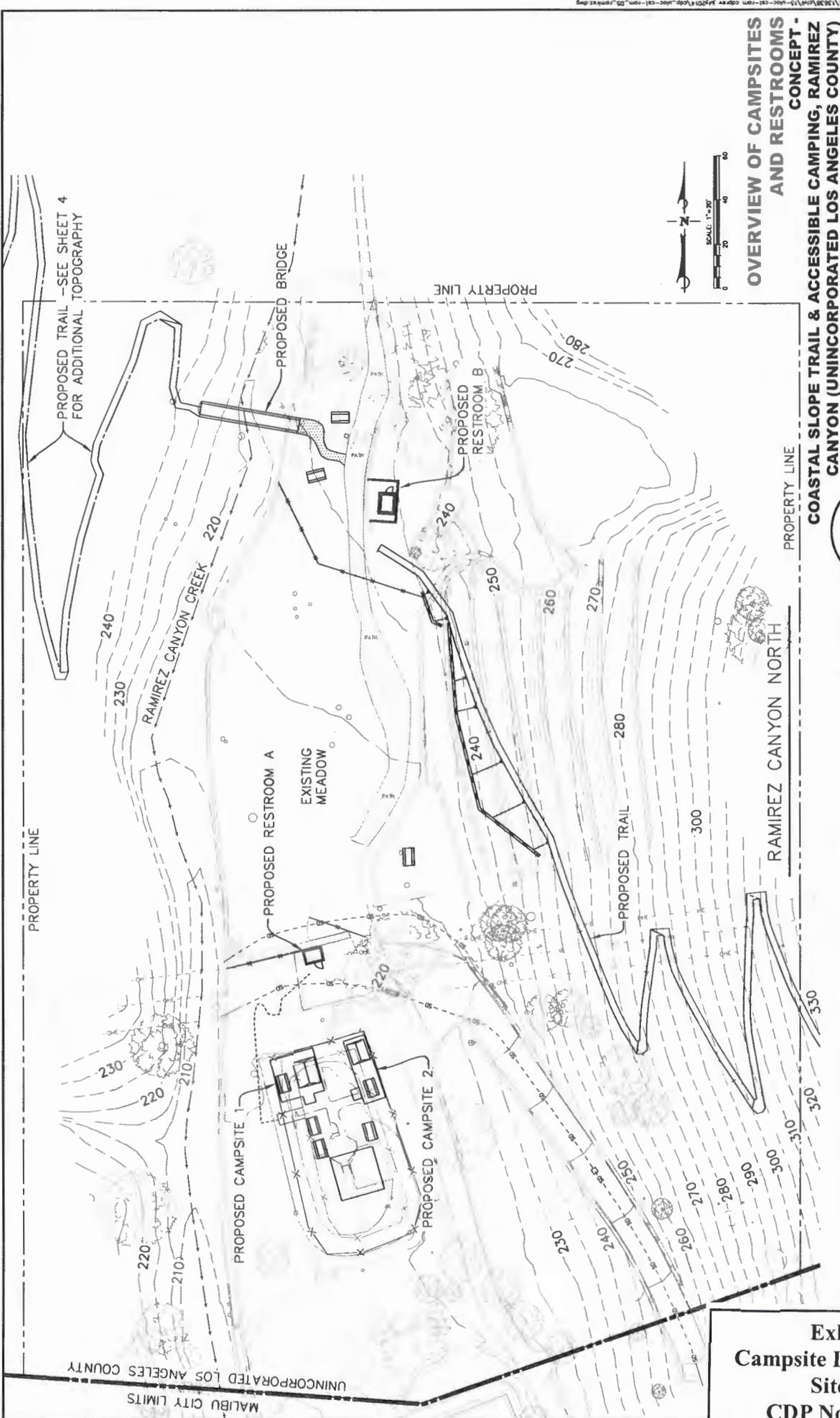
NOTE: EASEMENT LOCATIONS
ARE APPROXIMATE

DESIGN: SUI
CHECKED: _____
DATE: _____
PROJECT ENGINEER
R.C.E. 44287 (EXP. 08-30-18)

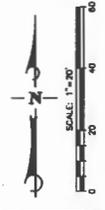
NO.	DATE	REVISIONS

UNINCORPORATED LOS ANGELES COUNTY
RAMIREZ CANYON
CITY LIMITS
UNINCORPORATED LOS ANGELES COUNTY
RAMIREZ CANYON
PARK

Exhibit 6
Overall Site Plan
CDP No. 4-13-001



PROPOSED TRAIL --SEE SHEET 4 FOR ADDITIONAL TOPOGRAPHY



OVERVIEW OF CAMPSITES AND RESTROOMS CONCEPT - COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ CANYON (UNINCORPORATED LOS ANGELES COUNTY)

MALIBU CITY LIMITS UNINCORPORATED LOS ANGELES COUNTY

DESIGN: SM	CHECKED: JET	DATE:
PROJECT: RAMIREZ CANYON NORTH	PROJECT ENGINEER: [Signature]	R.C.E. #4,267
DATE: 09-30-18		
PROJECT NO. 1303015		
SHEET 5.0 OF 11		
DATE: JULY 18, 2014		
SANTA MONICA MOUNTAINS CONSERVANCY MALIBU, CALIFORNIA		
SITE PLAN OVERVIEW RAMIREZ CANYON NORTH		
SANTA MONICA MOUNTAINS CONSERVANCY MALIBU, CALIFORNIA		

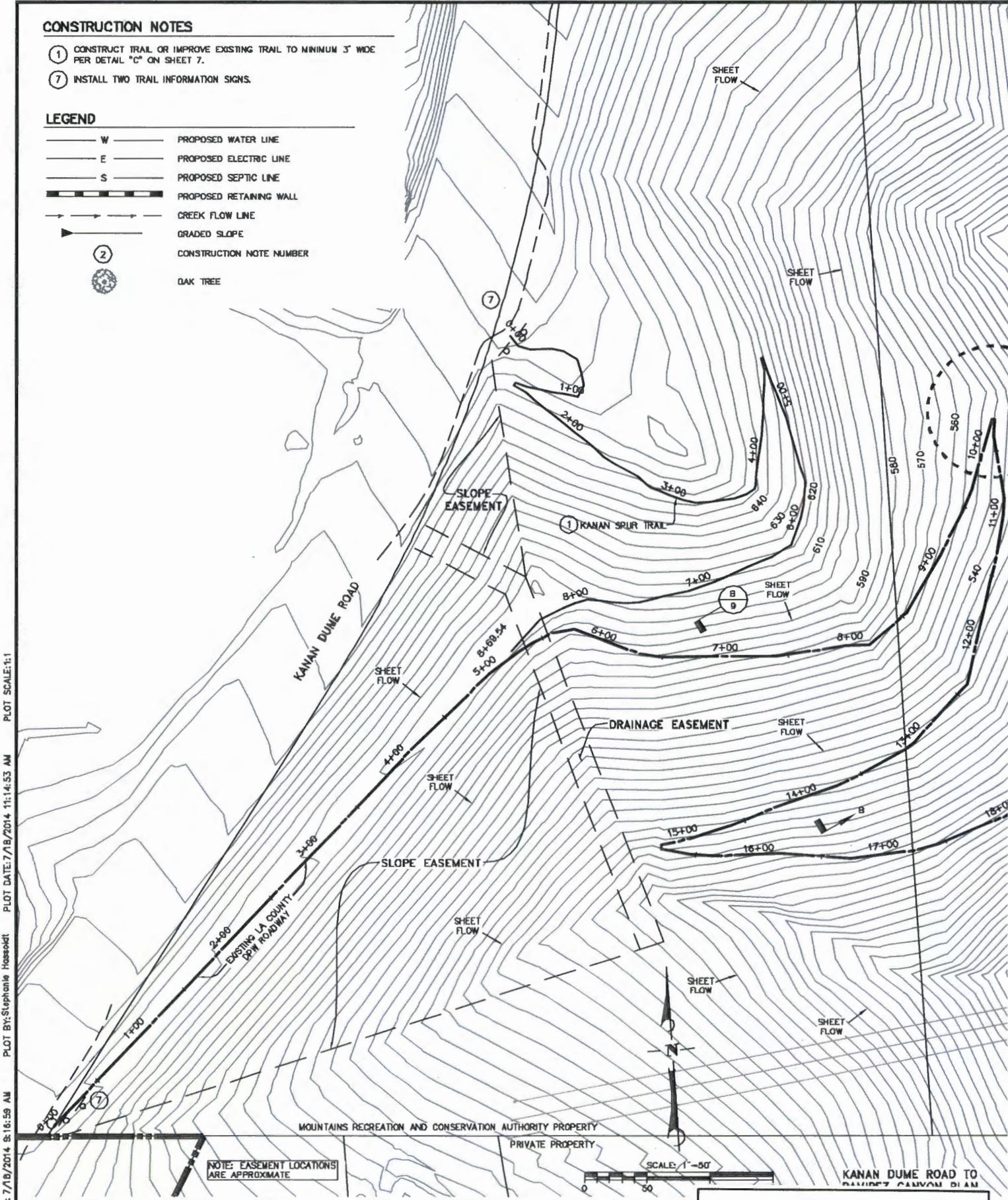
**Exhibit 7
Campsite Improvements
Site Plan
CDP No. 4-13-001**

CONSTRUCTION NOTES

- ① CONSTRUCT TRAIL OR IMPROVE EXISTING TRAIL TO MINIMUM 3' WIDE PER DETAIL "C" ON SHEET 7.
- ⑦ INSTALL TWO TRAIL INFORMATION SIGNS.

LEGEND

- W ——— PROPOSED WATER LINE
- E ——— PROPOSED ELECTRIC LINE
- S ——— PROPOSED SEPTIC LINE
- ▬▬▬▬▬ PROPOSED RETAINING WALL
- CREEK FLOW LINE
- ▶ GRADED SLOPE
- ② CONSTRUCTION NOTE NUMBER
- 🌳 OAK TREE



34-ENG SAVE DATE: 7/18/2014 8:16:59 AM
 PLOT BY: Stephanie Hoesel
 PLOT DATE: 7/18/2014 11:14:53 AM
 PLOT SCALE: 1:1

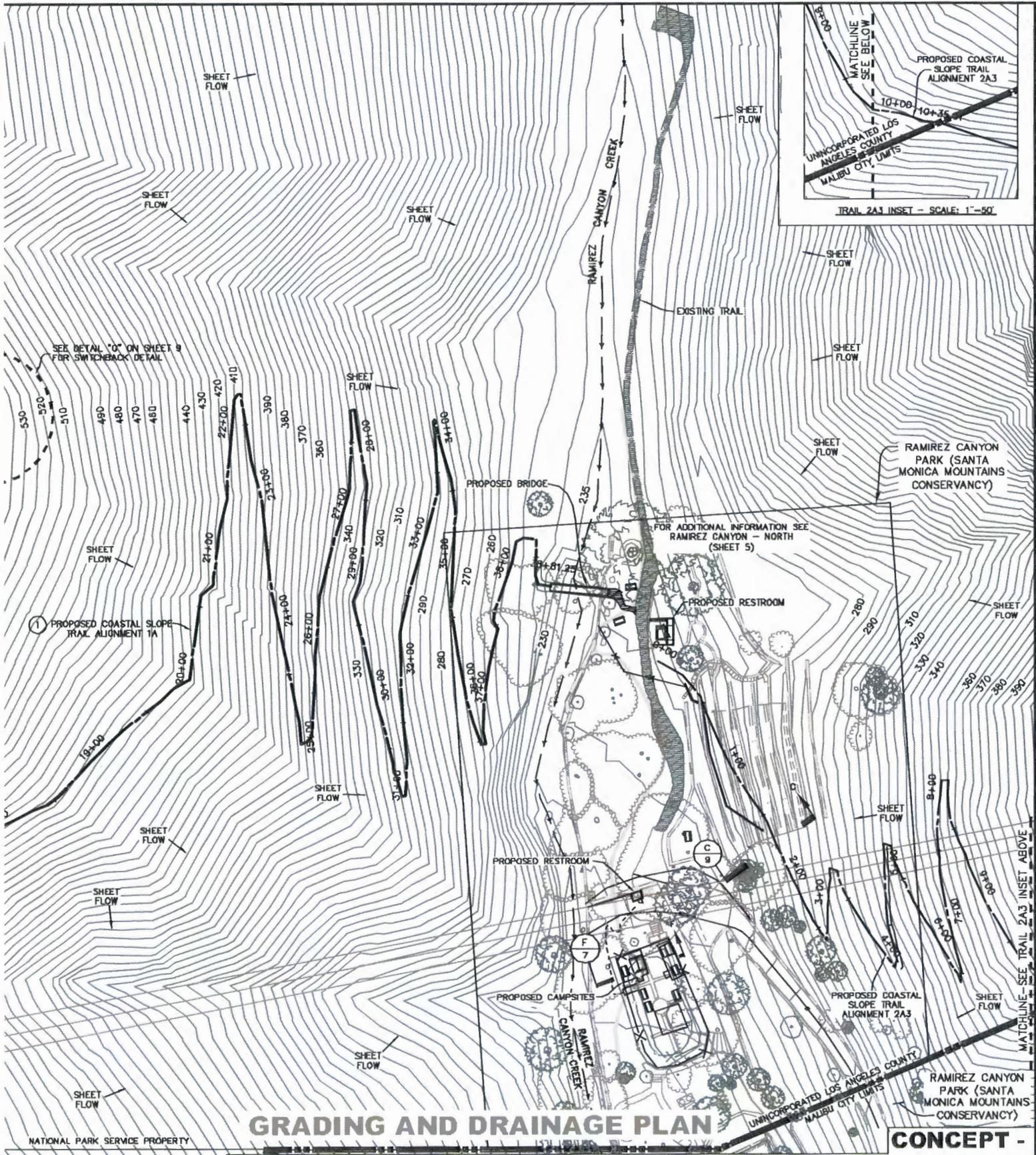
NOTE: EASEMENT LOCATIONS ARE APPROXIMATE

FOR REDUCED PLANS
ORIGINAL SCALE IN INCHES

NO.	DATE	REVISIONS

Exhibit 8
Grading and Drainage Plans
CDP No. 4-13-001

SHEET 4.2-A GRADING AND DRAINAGE PLAN



GRADING AND DRAINAGE PLAN

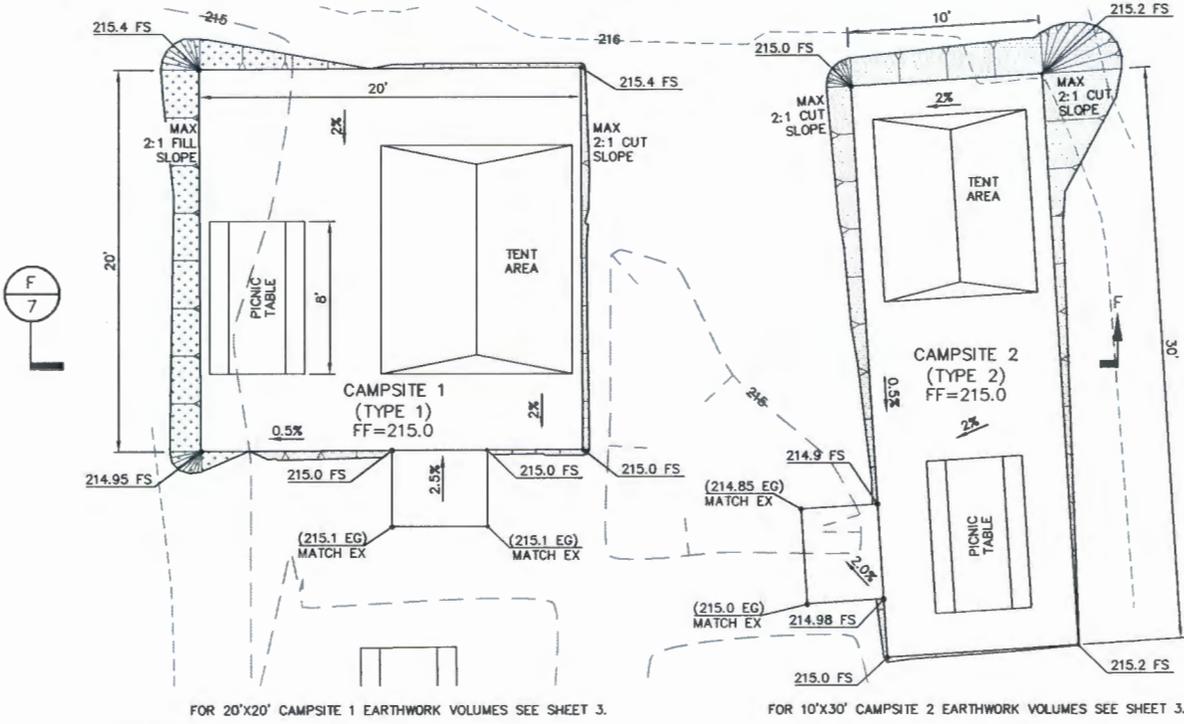
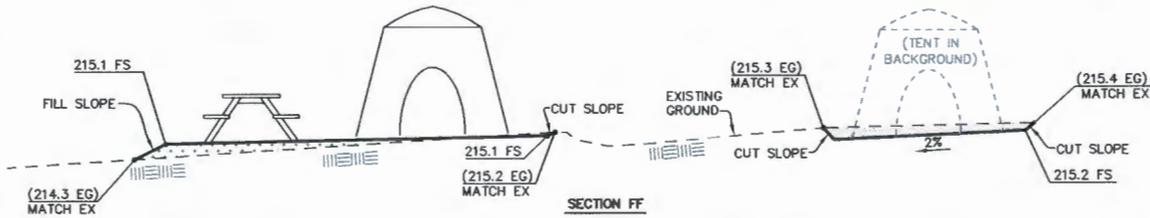
CONCEPT - COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ CANYON (UNINCORPORATED LOS ANGELES COUNTY)

DESIGN SLH CHECKED _____
 BRETT FOSTER DATE: _____
 PROJECT ENGINEER
 R.C.E. 48,267 (EXP. 06-30-18)

GRADING AND DRAINAGE PLAN
 RAMIREZ CANYON AND KANAN DUME ROAD
 SANTA MONICA MOUNTAINS CONSERVANCY
 MALIBU, CALIFORNIA

P&S PROJECT NO.
 136.38.05
 SHEET
 4.2 OF 11
 PLAN DATE
 JULY 18, 2014

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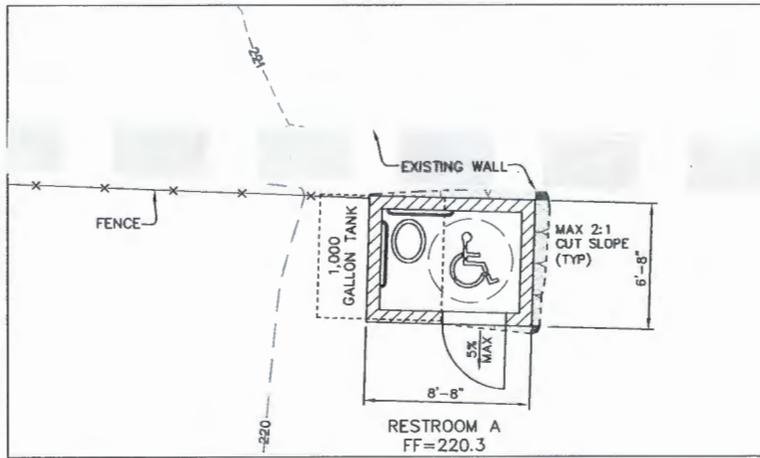


FOR 20'X20' CAMPSITE 1 EARTHWORK VOLUMES SEE SHEET 3.

FOR 10'X30' CAMPSITE 2 EARTHWORK VOLUMES SEE SHEET 3.

ABBREVIATIONS	
EG	= EXISTING GROUND
EX	= EXISTING
FF	= FINISHED FLOOR
FS	= FINISHED SURFACE

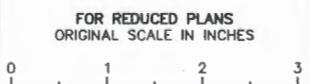
CAMPSES 1 AND 2 GRADING DETAILS (B)
SCALE: 1" = 5'



FOR RESTROOM A EARTHWORK VOLUMES SEE SHEET 3.

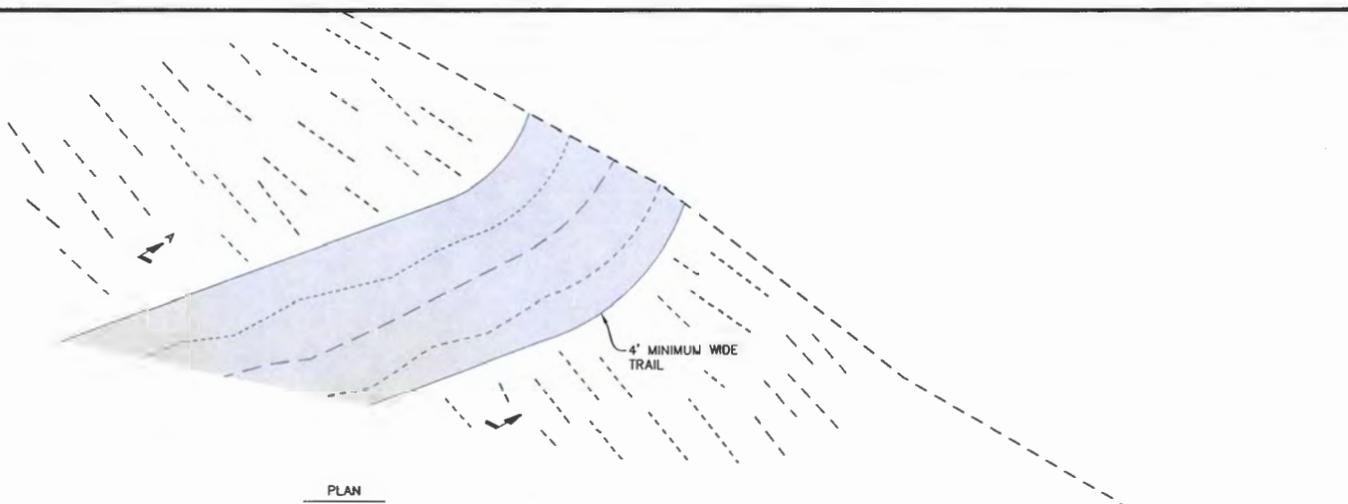
NOTE:
 OVEREXCAVATION AND RECOMPACTION IS BASED UPON PRELIMINARY GEOTECHNICAL INFORMATION. THE EARTHWORK ESTIMATE IS COMPRISED OF EXCAVATING 3' BELOW THE PROPOSED STRUCTURE AND RECOMPACTING TO 90% LIMITS OF EXCAVATION EXTEND 5' BEYOND PERIMETER OF THE STRUCTURE.
 FOR RESTROOM A LIMITS EXTENDED ON 3 SIDES ONLY.

RESTROOM A GRADING DETAILS (M)
SCALE: 1" = 5'

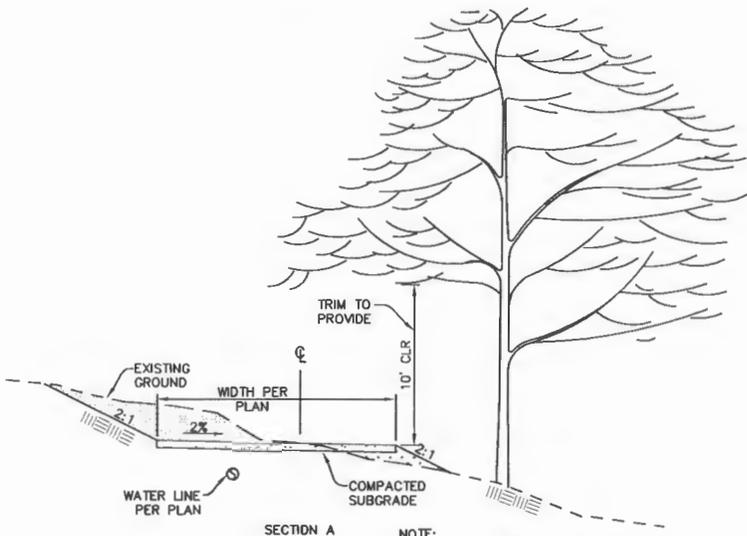


NO.	DATE	REVISIONS

Exhibit 9
Trail and Campsite
Improvement Cross-Sections
CDP No. 4-13-001



PLAN



SECTION A

NOTE:
ON ACCESSIBLE TRAILS SURFACE SHALL
BE CONSTRUCTED OF STABILIZED SOIL,
DECOMPOSED GRANITE OR OTHER
APPROVED MATERIALS.

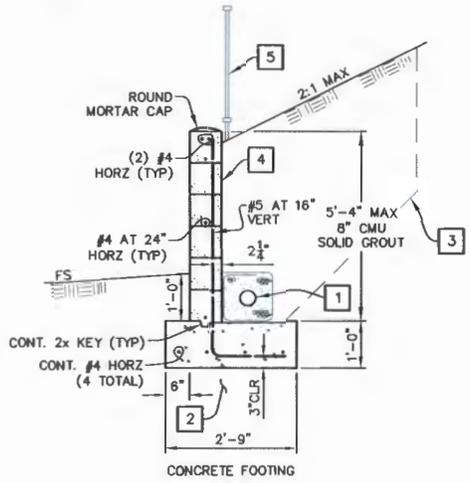
TYPICAL TRAIL SECTION

SCALE: 1" = 2'



WALL CONSTRUCTION NOTES

- 1 CONSTRUCT 4" PERFORATED PIPE WRAPPED IN FILTER FABRIC AND 12"x12" GRAVEL AND AT TOP OF FOOTING. DRAIN TO DAYLIGHT AT MINIMUM 1% SLOPE. PERFORATIONS SHALL BE PLACED DOWN AT THE POSITIONS OF 5 AND 7 O'CLOCK.
- 2 OVEREXCAVATE AND RECOMPACT SUBGRADE MINIMUM 3' BEYOND AND BELOW WALL FOUNDATION LIMITS.
- 3 PROVIDE GRANULAR, NON-EXPANSIVE IMPORT BACKFILL, AS APPROVED BY PROJECT SOILS ENGINEER, AT 1:1 SLOPE FROM TOP OF FOOTING TO WITHIN 12" OF FINISH GRADE. ALL SOIL BACKFILL SHALL BE COMPACTED TO A MINIMUM 90% RELATIVE COMPACTION. TOP 12" OF FINAL BACKFILL SHALL BE TOPSOIL.
- 4 WATERPROOF BACK OF WALL.
- 5 CONSTRUCT GUARDRAIL PER 2010 ADA STANDARDS WHENEVER DIFFERENTIAL GRADE FROM TOP OF WALL TO FINISH SURFACE (FS) EXCEEDS 30".



TYPICAL RETAINING WALL

SCALE: N.T.S.



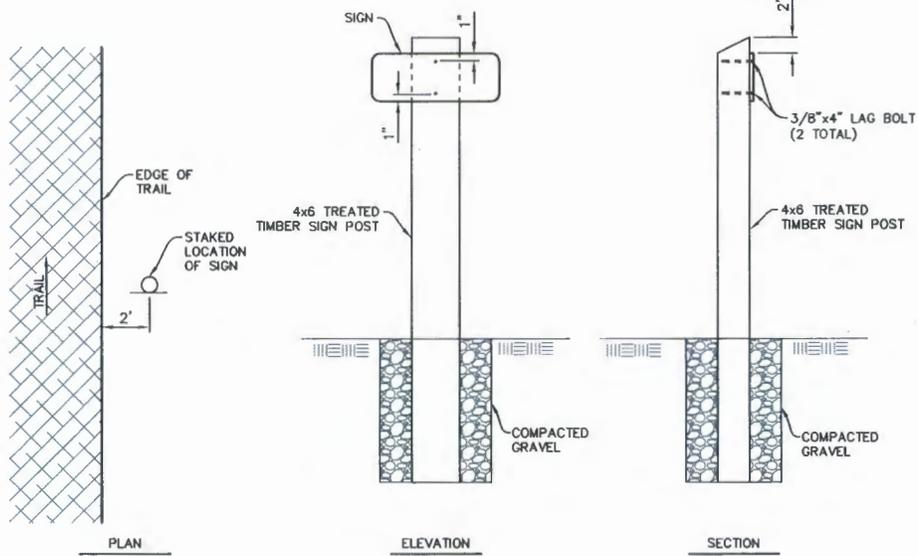
**CONCEPT -
COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ
CANYON (UNINCORPORATED LOS ANGELES COUNTY)**

	DESIGN SLH	CHECKED BEF
	BRET FOSTER	DATE:
	PROJECT ENGINEER	
	R.C.E. 48,287	(EXP. 06-30-16)

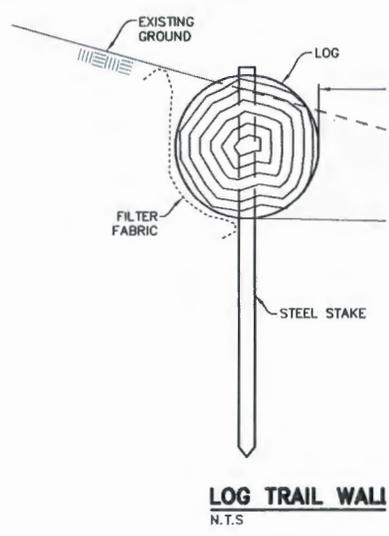
GRADING AND DRAINAGE DETAILS
SANTA MONICA MOUNTAINS CONSERVANCY
MALIBU, CALIFORNIA

P&S PROJECT NO. 13638.05
SHEET 7 OF 11
PLAN DATE JULY 18, 2014

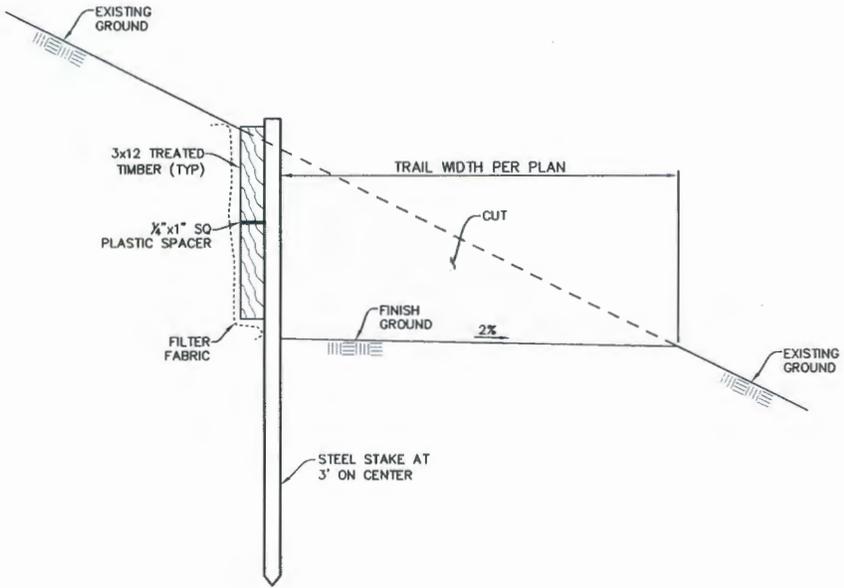
34-ENG SAVE DATE: 7/18/2014 10:54:19 AM PLOT DATE: 7/18/2014 11:33:09 AM PLOT SCALE: 1:273



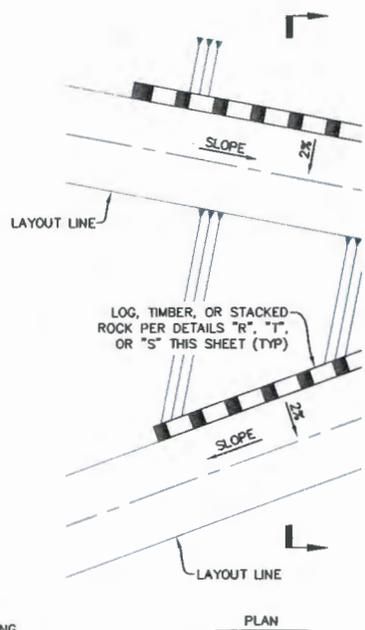
SIGN AND POST DETAIL
N.T.S. (Q)



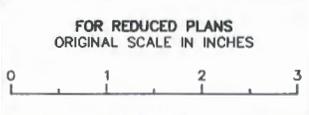
LOG TRAIL WALL
N.T.S.



TIMBER TRAIL WALL
N.T.S. (T)



TYPICAL CLIMBING TURN
N.T.S.

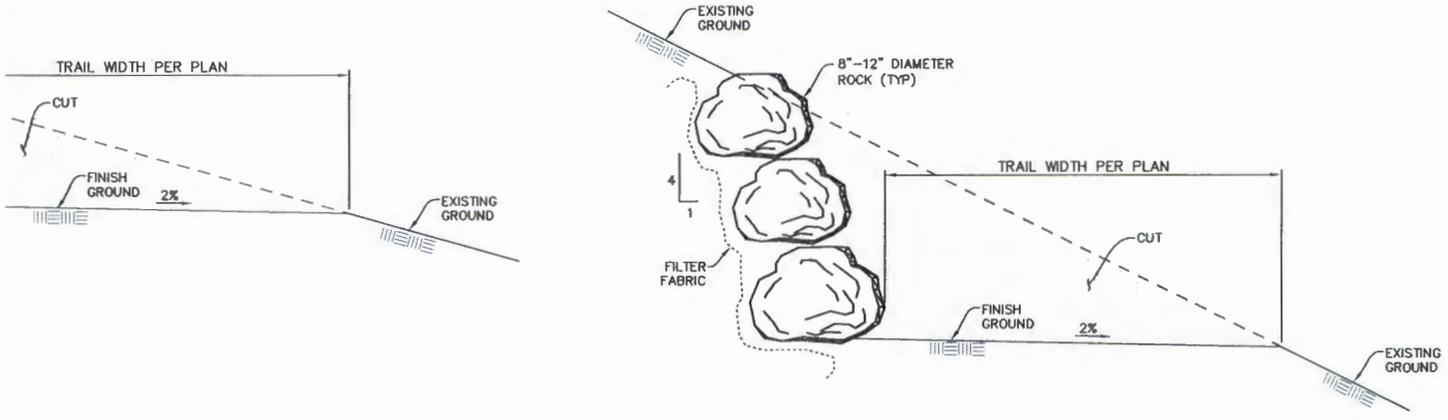


NO.	DATE	REVISIONS	APPD.


Penfield & Sm
 Engineers · Surveyors · Planners
 Construction Management

111 East Victoria Street, Santa Barbara, CA
 Phone: (805) 963-9532 Fax: (805) 966-

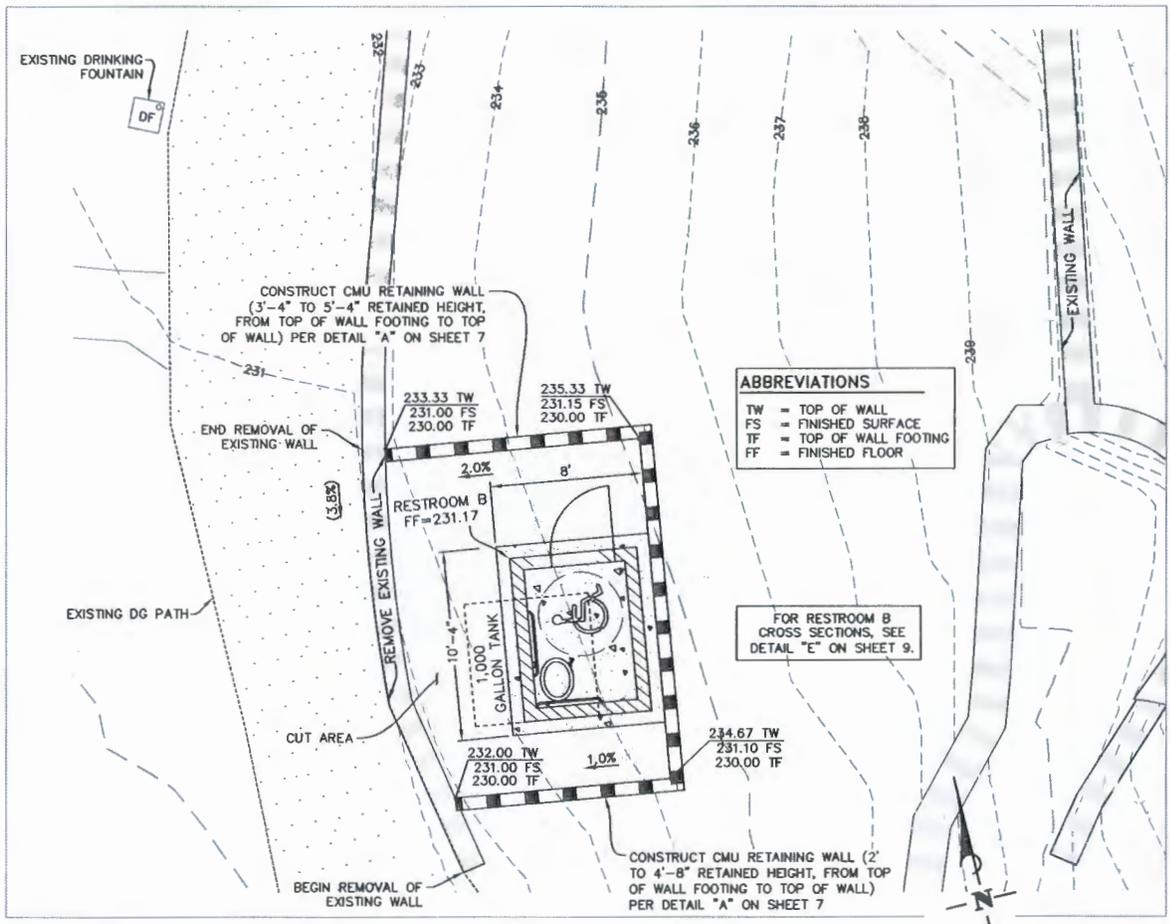
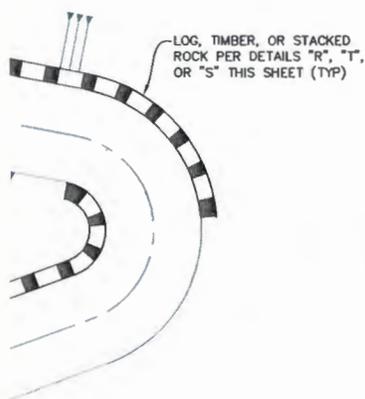
SHEET 8-A GRADING AND DRAINAGE DETAILS



R

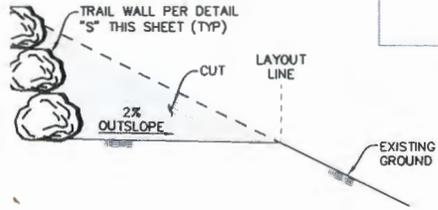
STACKED ROCK TRAIL WALL
N.T.S.

S



ABBREVIATIONS
 TW = TOP OF WALL
 FS = FINISHED SURFACE
 TF = TOP OF WALL FOOTING
 FF = FINISHED FLOOR

FOR RESTROOM B CROSS SECTIONS, SEE DETAIL "E" ON SHEET 9.



U

NOTE:
 OVEREXCAVATION AND RECOMPACTION IS BASED UPON PRELIMINARY GEOTECHNICAL INFORMATION. THE EARTHWORK ESTIMATE IS COMPRISED OF EXCAVATING 3' BELOW THE PROPOSED STRUCTURE AND RECOMPACTING TO 90%. LIMITS OF EXCAVATION EXTEND 5' BEYOND PERIMETER OF THE STRUCTURE. FOR RESTROOM B, OVEREXCAVATION IS LIMITED TO THE RESTROOM STRUCTURE ONLY.

FOR RESTROOM B EARTHWORK VOLUMES SEE SHEET 3.

RESTROOM B LAYOUT
SCALE: 1"=5'

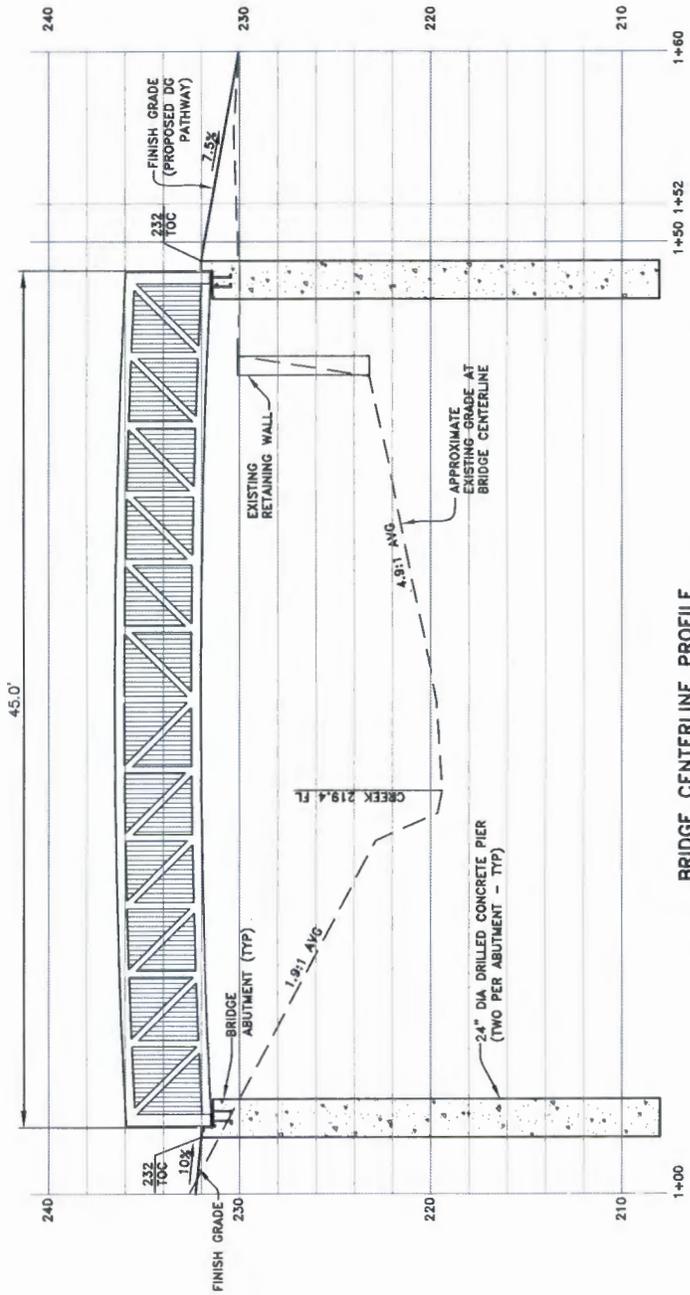
V

CONCEPT - COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ CANYON (UNINCORPORATED LOS ANGELES COUNTY)

ith DESIGN SLH CHECKED BEF
 ners
 nt.
 BRET FOSTER DATE:
 13101 PROJECT ENGINEER
 9801 R.C.E. 48,267 (EXP. 08-30-16)

GRADING AND DRAINAGE DETAILS
 -
 SANTA MONICA MOUNTAINS CONSERVANCY
 MALIBU, CALIFORNIA

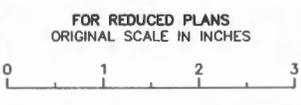
P&S PROJECT NO.
 13638.05
 SHEET
 8 OF 11
 PLAN DATE
 JULY 18, 2014



EARTHWORK - BRIDGE
CUT 30 CY
FILL 8 CY

BRIDGE CENTERLINE PROFILE

SCALE:
1" = 5' HORIZ.
1" = 5' VERT.

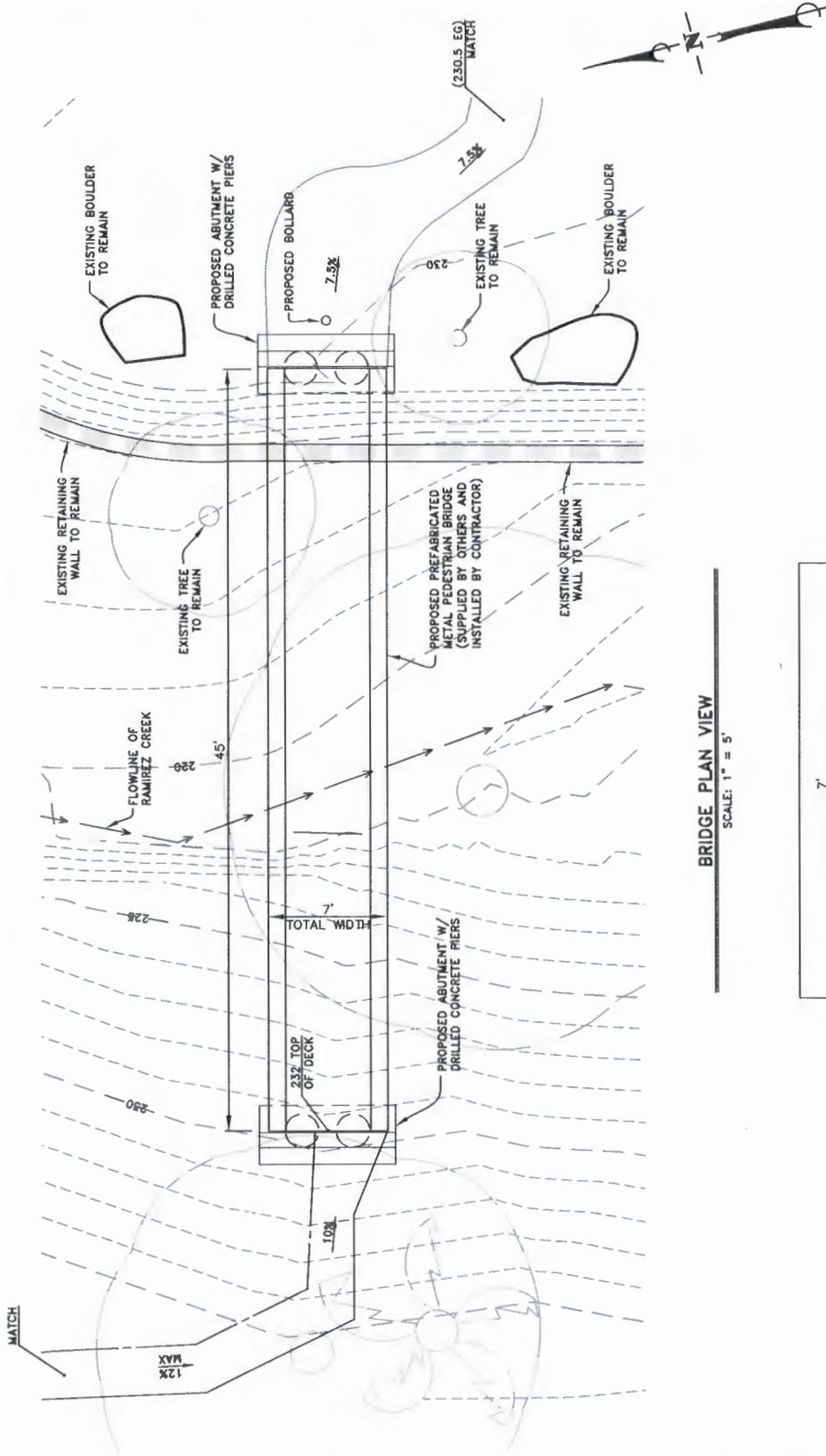


NO.	DATE	REVISIONS	APPD.

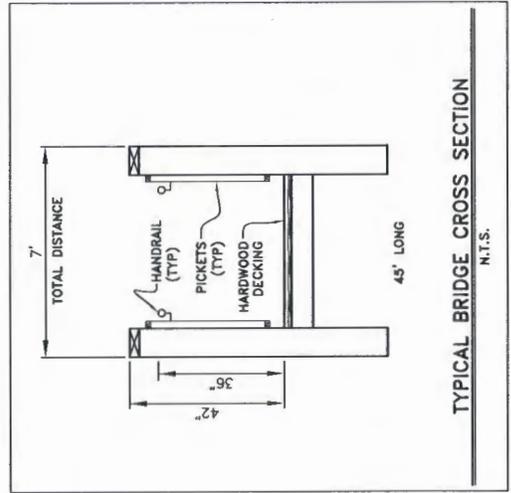
Penfield & Sm
Engineers - Surveyors - Planners
Construction Management

111 East Victoria Street, Santa Barbara, CA
Phone: (805) 963-9532 Fax: (805) 968

SHEET 10-A BRIDGE AT RAMIREZ CREEK



BRIDGE PLAN VIEW
SCALE: 1" = 5'

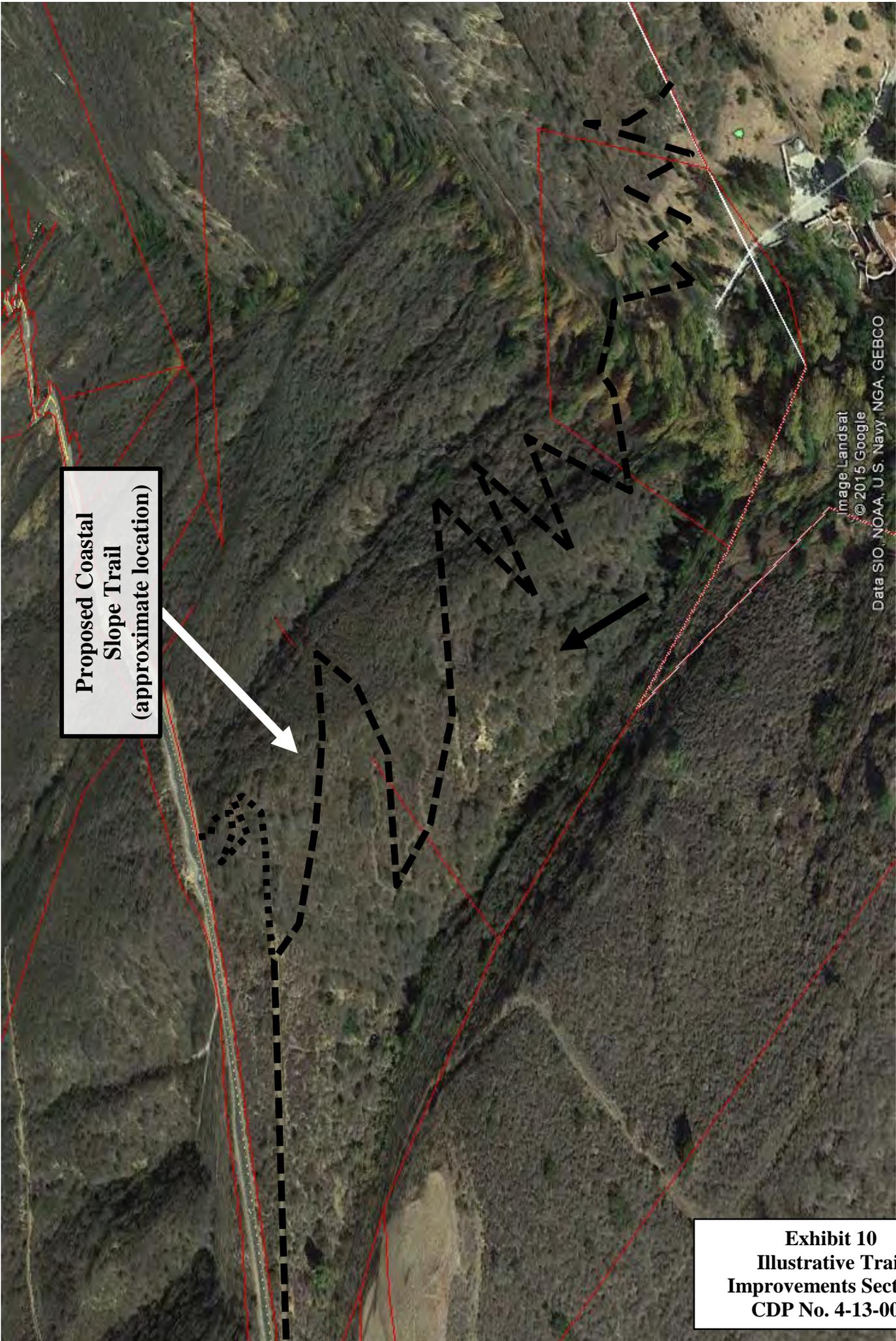


**CONCEPT -
COASTAL SLOPE TRAIL & ACCESSIBLE CAMPING, RAMIREZ
CANYON (UNINCORPORATED LOS ANGELES COUNTY)**

DESIGN SLH CHECKED BEF
BRET FOSTER DATE:
PROJECT ENGINEER
R.C.E. 48,267 (EXP. 06-30-16)

BRIDGE AT RAMIREZ CREEK
PEDESTRIAN AND EQUESTRIAN
SANTA MONICA MOUNTAINS CONSERVANCY
MALIBU, CALIFORNIA

P&S PROJECT NO. 13638.05
SHEET 10 OF 11
PLAN DATE JULY 18, 2014



**Proposed Coastal
Slope Trail
(approximate location)**

Image Landsat
© 2015 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

..... Kanan Spur Trail
----- Trail 1A
----- Trail 2A3

**Exhibit 10
Illustrative Trail
Improvements Sections
CDP No. 4-13-001**



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Ramirez Canyon Park
5810 Ramirez Canyon Road
Malibu, California 90265
Phone (310) 589-3230 Fax (310) 589-3237

January 20, 2015

RECEIVED
JAN 21 2015
SANTA MONICA MOUNTAINS CONSERVANCY

Denise Venegas
Coastal Program Analyst
California Coastal Commission
South Central Coast District Office
89 South California Street #200
Ventura, California 93001

**Coastal Slope Trail and Accessible Camping, Ramirez Canyon,
Unincorporated Los Angeles County, Application No. 4-13-001**

Dear Ms. Venegas:

Your office received our complete coastal development permit (CDP) application submitted by Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy for the Coastal Slope Trail and Accessible Camping Project, Ramirez Canyon, unincorporated Los Angeles County (Application No. 4-13-001). To clarify, per this letter we are confirming that we would like to exercise our option to have the California Coastal Commission, not Los Angeles County, hear the CDP application.

If you have any questions, please do not hesitate to contact Paul Edelman, Chief of Natural Resources and Planning at (310) 589-3230, extension 128 (email edelman@smmc.ca.gov). Thank you.

Sincerely,

Rorie Skei
Chief Deputy Executive Officer

Exhibit 11
MRCA CDP Processing
Jurisdiction Letter
CDP No. 4-13-001

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV



January 20, 2015

JAN 20 2015

Denise Venegas
Coastal Program Analyst
California Coastal Commission
South Central Coast District Office
89 South California Street #200
Ventura, California 93001

**Coastal Slope Trail and Accessible Camping, Ramirez Canyon,
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If you have any questions, please do not hesitate to contact Paul Edelman, Deputy Director for Natural Resources and Planning at (310) 589-3200, extension 128 (email edelman@smmc.ca.gov). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Edmiston".

JOSEPH T. EDMISTON, FAICP, Hon. ASLA
Executive Director

**Exhibit 12
SMMC CDP Processing
Jurisdiction Letter
CDP No. 4-13-001**

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**Santa Monica Mountains Local Coastal Program Fact Sheet**

- The effective certification date of the Santa Monica Mountains Local Coastal Program (LCP) is October 10, 2014, at which time coastal development permit authority is delegated to the County of Los Angeles.
- Effective October 13, 2014, the California Coastal Commission will no longer accept new coastal development permit applications or exemption requests for development located within the Santa Monica Mountains LCP area.
- Coastal development permit applications submitted to the Coastal Commission that are incomplete on October 10, 2014 will be returned to the applicant or agent.
- Coastal development permit applications that are filed complete by the Commission on or before October 10, 2014 may, at the option of the applicant, remain with the Coastal Commission for completion of review. The standard of review for such an application will be the policies and provisions of the certified LCP.
- The applicant may also withdraw the application filed with the Coastal Commission and resubmit it to the County through an application pursuant to the requirements of the certified LCP.
- Amendment, extension, reconsideration, and revocation of any coastal development permit granted by the Coastal Commission shall be reviewed and acted upon by the Commission. Any such requests will be subject to the Commission's application and fee requirements.
- Condition compliance materials will be reviewed by Commission staff for all coastal development permits granted by the Coastal Commission.
- All terms and conditions of any coastal development permit granted by the Coastal Commission will remain in full force and effect, including the expiration date.

Exhibit 13
SMM LCP Certification
Fact Sheet
CDP No. 4-13-001

**Ramirez Canyon Preservation Fund
5969 Ramirez Canyon road
Malibu, CA 90265**

DEC 01 2014

November 24, 2014

California Coastal Commission
South Central Coast District Office
Mr. John (Jack) Ainsworth, Deputy Director
Mr. Steve Hudson, District Manager
89 South California Street, Suite 200
Ventura, CA 93001-2801

By Overnight Mail

Re: Application No. 4-13-001 filed by Santa Monica Mountains Conservancy (SMMC) and Mountains Recreation and Conservation Authority (MRCA): East of Kanan Dume Road, north of Ramirez Canyon Road, west of Murphy Way. North of the City of Malibu. Assessor's Parcel Nos. 4465-003-923 (MRCA, 10.49 ac. w/easements); 4465-004-904 (SMMC, 3.9 ac.); 4465-004-304 (National Park Service, 31.78 ac.)

Dear Mr. Ainsworth and Mr. Hudson:

The Ramirez Canyon Preservation Fund is a group of concerned residents and homeowners who have been involved in protracted legal and administrative proceedings that have now confirmed that SMMC/MRCA ("SMMC") must obtain coastal development permits for its property in Ramirez Canyon. The majority of SMMC's property (17.1 acres) in Ramirez Canyon lies within the City of Malibu; the adjacent 3.9 acre parcel referred to above lies within the County of Los Angeles. The purpose of this letter is to respectfully request that the Commission transfer SMMC's Application No. 4-13-001 to the County of Los Angeles for the following reasons:

Application No. 4-13-001 was originally filed with the Commission by SMMC on January 8, 2013. After two revisions to the "Project Description," the application was deemed complete by the Commission on September 23, 2014. Staff has advised that the matter may be set for hearing in February or March of 2015.

On October 10, 2014, however, the Commission officially concurred with the Executive Director's determination that the action by Los Angeles County accepting certification of Land Use Plan Amendment No. 4-LAC-14-0108-4 with modifications, and Local Implementation Plan No. 4-LAC-14-0109-4 with modifications, was legally adequate. We respectfully submit that, as a result of that concurrence, the Commission no longer has jurisdiction over Application No. 4-13-001. Any permit for the project described in Application No. 4-13-001 must be issued by the County of Los Angeles.

Public Resources Code section 30519 provides, in pertinent

**Exhibit 14
Ramirez Canyon Preservation Fund
Comment Letter
CDP No. 4-13-001**

“Delegation of development review authority; recommendation of amendments to program. (a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof. . . .” (Emphasis added.)

Public Resources Code section 30600 provides, in pertinent part:

“Coastal development permit; procedures prior to certification of local coastal program; application of section. . . (d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.” (Emphasis added.)

And finally, Public Resources Code section 30600.5 provides, in pertinent part:

“Delegation of authority for issuance of coastal development permits to local governments; exceptions; application, review and appeal procedures; minimum standards; adoption of ordinance. . . (c) Notwithstanding any other provision of this division, after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by the respective local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan.” (Emphasis added.)

Although Sections 30519 and 30600.5 recognize the Commission’s continuing jurisdiction *over appeals* after LCP certification, there is no statutory exception for coastal development permits. Application No. 4-13-001 is an application for a coastal development permit.

California case law confirms what the statutes expressly state: “After an LCP is certified by the Coastal Commission, development review authority is ‘delegated to the local government that is implementing the local coastal program....’ ([Pub. Resources Code,] § 30519, subd. (a)).” (*North Pacifica LLC v. California Coastal Com’n* (2008) 166 Cal.App.4th 1416, 1429.) “Administrative action that is not authorized by, or is inconsistent with, acts of the Legislature is void.” (*Schneider v. California Coastal Com.* (2006) 140 Cal.App.4th 1339, 1348 (citations omitted).)

The Commission’s regulations mirror the statutes set forth above. (See, e.g., 14 Cal. Code Regs., sec. 13545 (certification of a LCP results in “delegation to the local government of a coastal development permit authority over those developments specified in Public Resources Code Section 30519”); see also, *Id.*, sec. 13545.5 (same effect re certification of LUP). We can find only one regulation which discusses the Commission’s retention of an application after an

LCP has been certified (sec. 13546). However, section 13546 applies only to “permit applications that have received local government approval and have not been voted upon by the Commission.” SMMC’s application had not received any local government approvals before the certification of the LCP. The approval sought by SMMC is for a CDP, which both the statutes and the regulations mandate be issued by the County.

In addition to the jurisdiction issue set forth above, there is also a threshold substantive problem with SMMC’s application. In June of 2014, SMMC filed a CDP application with the City for development on the adjacent 17 acre Ramirez Canyon parcel owned by SMMC. We have enclosed a copy of the Project Description from the City application for your information. The 3.9 acre parcel included in the Project Description for Application No. 4-13-001 is landlocked and can be accessed only through the 17-acre City parcel, which can be accessed only via a private road located entirely within the City. Yet, there is no mention of SMMC’s application to the City in SMMC’s application to the Commission, nor is there any mention of SMMC’s application to the Commission in SMMC’s application to the City -- even though the cumulative impact of the two applications on Ramirez Canyon is significant.

The process of dividing a larger overall project into smaller components whose impacts individually appear harmless but cumulatively could be considerable is known as piecemealing or segmentation. Such segmentation is legally impermissible. “A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.” (*Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 611.) This is because “[t]he requirements of CEQA, cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” (*Ibid.*, internal quotations omitted.) Instead, the impacts of the entire project must be analyzed together.

Therefore, for all the reasons set forth herein, we respectfully request that you transfer Application No. 4-13-001 to the County of Los Angeles so that the City and County can jointly address the cumulative issues.

Thank you in advance for your consideration.



Rick Mullen
President
Ramirez Canyon Preservation Fund

Encl: Letter to Los Angeles County Department of Regional Planning (dated this same date)
Letter to City of Malibu Planning Department (dated this same date)
Project Description (City of Malibu)

Cc: County of Los Angeles, Department of Regional Planning
City of Malibu, Planning Department